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1883.

THE
statutes at Large,

Anno decimo tertio GEORGII III. Regis.

Being the SIXTH Session of the
Thirteenth Parliament of GREAT BRITAIN.

BY
DANBY PICKERING, of GRAY'S INN, Esq;

VOL. XXX. PART I.

M. D. Hill.

THE

Statutes at Large,

FROM

MAGNA CHARTA

To the END of the

Thirteenth Parliament of GREAT BRITAIN,

Anno 1773.

CONTINUED.

By DANBY PICKERING, of Gray's-Inn, Esq;
Reader of the Law Lecture to that Honourable Society.

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CUM PRIVILEGIO.

A
T A B L E
O F T H E
S T A T U T E S
P U B L I C K and P R I V A T E,

Passed *Anno decimo tertio*

GEORGI II III. *Regis.*

P U B L I C K A C T S.

Cap. 1. **F**OR allowing the importation of wheat, wheat-flour, rye, rye-meal, barley, barley-meal, oats, oat-meal, pease, beans, tares, callivancies, and all other sorts of pulse, from any part of *Europe* or *Africa*, into this kingdom, for a limited time, free of duty.

Cap. 2. For allowing the importation of wheat, wheat-flour, *Indian* corn, *Indian* meal, biscuit, pease, beans, tares, callivancies, and all other sorts of pulse, from his Majesty's colonies in *America*, into this kingdom, for a limited time, free of duty.

Cap. 3. To prohibit the exportation of corn, grain, pease, beans, meal, malt, flour, bread, biscuit, and starch; and also the extraction of low wines and spirits from wheat and wheat-flour, for a limited time.

Cap. 4. To continue for a further time, an act, made in the eighth year of his present Majesty's reign, intituled, *An act to continue and amend an act, made in the fifth year of the reign of his present Majesty, intituled, An act for importation of salted beef, pork, bacon, and butter, from Ireland, for a limited time, and for allowing the importation of salted beef, pork, bacon, and butter, from the British dominions in America, for a limited time.*

Cap. 5. To continue for a further time, an act, made in the seventh year of his present Majesty's reign, intituled, *An act to discontinue, for a limited time, the duties payable upon the importation*
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of tallow, bogs-lard, and greafe; and to permit the importation of salted beef, pork, bacon, hams, and cheese into this kingdom, from any part of *Europe*, for a limited time, free of duty.

Cap. 6. For continuing and granting to his Majesty, certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and seventy-three.

Cap. 7. For allowing the free importation of rice into this kingdom, from any of his Majesty's colonies in *America*, for a limited time; and for encouraging the making of starch from rice.

Cap. 8. For granting an aid to his Majesty by a land tax, to be raised in *Great Britain*, for the service of the year one thousand seven hundred and seventy-three.

Cap. 9. To restrain the *East India Company*, for a limited time, from making any appointment of commissioners for super-intending and regulating the company's affairs, at their presidencies in the *East Indies*.

Cap. 10. For punishing mutiny and desertion; and for the better payment of the army and their quarters.

Cap. 11. For the regulation of his Majesty's marine forces, while on shore.

Cap. 12. To indemnify such persons as have omitted to qualify themselves for offices and employments within the time limited by law, and for giving further time for that purpose; and to give further time to such persons as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and solicitors.

Cap. 13. To enable certain persons therein named to continue to work a pestle mill, heretofore employed and used in making battle gunpowder, at *Old Forge Farm*, in the parish of *Tonbridge*, in the county of *Kent*.

Cap. 14. To encourage the subjects of foreign states to lend money upon the security of freehold or leasehold estates, in any of his Majesty's colonies in the *West Indies*; and to render the securities granted to such aliens effectual for recovering payment of the money so to be lent, by sale of such freehold or leasehold estates.

Cap. 15. For paving, cleansing, and lighting, the *High Street*, *East Street*, and *West Street*, in the town and parishes of *Gravesend* and *Milton*, in the county of *Kent*; and for lighting the other streets; and for removing all incroachments and annoyances within the said town and parishes.

Cap. 16. For taking down the shire hall of the county of *Devon*, and for building a new shire hall in a more commodious manner.

Cap. 17. For making the exemplification of the last will and testament of *William earl of Blesinton*, in the kingdom of *Ireland*, deceased, evidence as well in *Ireland*, as in *Great Britain*.

Cap. 18. To repeal an act, passed in the ninth year of the reign of his present Majesty, intituled, *An act for the more effectual relief of the poor in the county of Devon*; and for other purposes therein mentioned.

Cap. 19.

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Cap. 19. To amend and render more effectual an act, passed in the twenty-second year of the reign of his late majesty King George the Second, intituled, *An act for draining and improving certain fen lands within the manor and parishes of Upwell and Outwell, and in the parishes of Denver and Welney, in the Isle of Ely, and counties of Cambridge and Norfolk, so far as the same relates to the lands lying on the south side of Popham's Eau.*

Cap. 20. To amend and render more effectual an act, made in the thirty-third year of the reign of his late majesty King George the Second, intituled, *An act for draining and preserving certain fen lands and low grounds in the Isle of Ely, and counties of Suffolk and Norfolk, between Mildenhall river, south, Plant Load and Brandon river, north, bounded on the west by the river Ouse, and on the east by Winter Load, Earlswell brook, and the hard lands of Mildenhall; and for empowering the governor, bailiffs, and commonalty, of the company of conservators of the great level of the fens, commonly called Bedford Level; to sell certain fen lands lying within the limits aforesaid, commonly called Invested Lands; so far as the same relates to the several fen lands and low grounds lying in the first district described in the said act.*

Cap. 21. To extend the provisions of an act, made in the fourth year of the reign of his late majesty King George the Second, intituled, *An act to explain a clause in an act, made in the seventh year of the reign of her late majesty Queen Anne, for naturalizing foreign protestants, which relates to the children of the natural-born subjects of the crown of England, or of Great Britain, to the children of such children.*

Cap. 22. To continue an act, made in the sixth year of his present Majesty, intituled, *An act to regulate the loading of ships with coals, in the ports of Newcastle and Sunderland.*

Cap. 23. For defraying the charge of the pay and cloathing of the militia in that part of Great Britain called England, for one year, beginning the twenty-fifth day of March, one thousand seven hundred and seventy-three.

Cap. 24. For further continuing two acts, made in the sixth and ninth years of his Majesty's reign, for punishing mutiny and desertion, and for the better payment of the army and their quarters, in his Majesty's dominions in America.

Cap. 25. To explain two acts of parliament, one of the thirteenth year of the reign of his late Majesty, for naturalizing such foreign protestants, and others, as are settled, or shall settle, in any of his Majesty's colonies in America; and the other of the second year of the reign of his present Majesty, for naturalizing such foreign protestants as have served, or shall serve, as officers or soldiers in his Majesty's royal American regiment, or as engineers, in America.

Cap. 26. For preventing abuses in the sale of shares of British-built ships to foreigners.

Cap. 27. For the more easy and speedy recovery of small debts, within the city and county of the city of Exeter.

Cap. 28. For deepening, cleansing, and making more commodious

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modious the harbours of the town of *Greenock*; for supplying the inhabitants with fresh and wholesome water; and for paving, cleansing, lighting, and watching the streets, and other publick places, within the said town.

Cap. 29. For deepening, cleansing, and making more commodious, the harbour of *Aberdeen*; for erecting new piers and quays therein; and for regulating ships and vessels trading into, and going out of, the said harbour.

Cap. 30. For the better regulation and government of the pilots conducting ships and vessels to and out of the port of *King's Lynn*, and of the bridgemen conducting gangs of lighters or barges to and from the same; and for laying down moorings in the harbour of the said port, and for preventing mischiefs by fire therein.

Cap. 31. For the more effectual execution of the criminal laws in the two parts of the united kingdom.

Cap. 32. For repealing so much of an act, made in the twenty-third year of his late majesty King *George* the Second, as relates to the preventing the stealing or destroying of turnips; and for the more effectually preventing the stealing or destroying of turnips, potatoes, cabbages, parsnips, pease, and carrots.

Cap. 33. To extend the provisions of an act, made in the sixth year of his present Majesty's reign, (intituled, *An act for the better preservation of timber trees, and of woods and underwoods; and for the further preservation of roots, shrubs, and plants,*) to poplar, alder, maple, larch, and hornbeam.

Cap. 34. For paving, lighting, and cleansing the streets, lanes, and places within the town of *Brightelmstone*, in the county of *Suffex*; for removing nuisances and annoyances, and preventing the like for the future; for holding and regulating a market within the said town; for building and repairing groyns, in order to render the coast safe and commodious for ships or vessels to unload and land sea-coal, culm, and other coal, for the use of the inhabitants of the said town; and for laying a duty thereon, and for other purposes.

Cap. 35. For raising a further sum of money for the purpose of rebuilding the common gaol of the county of *Effex*.

Cap. 36. To amend an act, passed in the ninth year of his present Majesty, intituled, *An act for laying open and widening certain ways and passages within the town of Birmingham; and for cleansing and lighting the streets, lanes, ways, and passages there; and for removing and preventing nuisances and obstructions therein; and for widening certain other streets and places; for establishing a nightly watch; and for regulating carts and carmen employed in the said town.*

Cap. 37. For making and extending the navigation of the river *Bure*, (commonly called the *North River*), by and from *Coltishall* to *Aylsham Bridge*, in the county of *Norfolk*.

Cap. 38. To incorporate certain persons therein named, and their successors, with proper powers for the purpose of establishing one or more glass manufactories within the kingdom of *Great Britain*;

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Britain; and for the more effectually supporting and conducting the same upon an improved plan, in a peculiar manner, calculated for the casting of large plate glaſs.

Cap. 39. For draining and preſerving certain ſen lands and low grounds, called *King's Delph and Eight Roods*, and alſo other ſen lands and low grounds in a certain place called *Farceſt Fen*, adjoining thereto, lying near to the hamlet and village of *Farceſt and Standground*, in the county of *Huntingdon*.

Cap. 40. For amending and rendering more effectual an act, made in the twenty-ſeventh year of the reign of his late majeſty King *George the Second*, intituled, *An act for diſcharging the corporation of the governor, bailiffs, and commonalty, of the company of conſervators of the great level of the ſens, commonly called Bedford Level, from a debt due to the duke of Bedford and earl of Lincoln*; and for enabling the proprietors of lands in the north level, part of the ſaid great level, to raiſe money to diſcharge the proportion of the ſaid north level in the debts of the ſaid corporation; and for aſcertaining and appropriating the taxes to be laid on the ſaid north level; and for the more effectual draining and preſerving the ſaid north level, and divers lands adjoining thereto, in the manor of *Crowland*; ſo far as the ſame relates to the ſeveral ſen lands lying in the ſecond diſtrict in the ſaid act deſcribed.

Cap. 41. For enabling *James Cox*, jeweller, to diſpoſe of his muſæum, commonly called *Cox's Muſæum*, by way of chance, in ſuch manner as may be moſt for the benefit of himſelf and his creditors.

Cap. 42. For amending, lighting, and watching, the highways or roads within the town, village, or chapelry, of *Peterſham*, in the county of *Surrey*.

Cap. 43. To regulate the importation and exportation of corn.

Cap. 44. To allow a drawback of the duties of cuſtoms on the exportation of tea to any of his Majeſty's colonies or plantations in *America*; to increaſe the depoſit on bohea tea to be ſold at the *India Company's* ſales; and to impower the commiſſioners of the treasury to grant licences to the *Eaſt India Company* to export tea duty-free.

Cap. 45. For draining and preſerving certain ſen lands and low grounds, lying in the ſouth level, part of the great level of the ſens, commonly called *Bedford Level*, between certain old rivers or drains, called *Stoke River* and *Branden River*, and a certain level or diſtrict called *Feltwell New Diſtrict*, and the hard lands of *Woodhall in Helgey*, and *Helgey*, in the counties of *Norfolk* and *Suffolk*.

Cap. 46. For the more effectual draining and preſerving certain ſen lands and low grounds in the pariſh of *Yaxley*, in the county of *Huntingdon*.

Cap. 47. To enable the right honourable *Sackville* earl of *Thanet*, to make a navigable cut or canal from a place called *The Spring*, lying near *Skipton Caſtle*, in the county of *York*, to join to and communicate with the navigable canal from *Leeds to Liver-*
poole,

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poole, in a close called *Hebble End Close*, in the township of *Skipton*, in the said county of *York*.

Cap. 48. For amending and rendering more effectual two acts, made, one in the eighth and the other in the tenth year of his present Majesty's reign, for regulating the nightly watch and beadles, and for paving, repairing, cleaning, and lighting, the parish of *Saint Mary le Bone*, in the county of *Middlesex*, and for other purposes in the said acts mentioned.

Cap. 49. For more effectually executing an act, passed in the twenty-seventh year of King *George* the Second, for draining and preserving the lands in the *North Level*, part of *Bedford Level*, so far as relates to the fourth district of the said *North Level*.

Cap. 50. For better regulating the poor, and repairing the highways, within the town and county of the town of *Southampton*.

Cap. 51. To discourage the practice of commencing frivolous and vexatious suits in his Majesty's courts at *Westminster*, in causes of action arising within the dominion of *Wales*; and for further regulating the proceedings in the courts of great sessions in *Wales*.

Cap. 52. For appointing wardens and assay-masters for assaying wrought plate in the towns of *Sheffield* and *Birmingham*.

Cap. 53. To enable the inhabitants of the parish of *Saint Matthew Bethnal-Green*, in the county of *Middlesex*, to pay debts already contracted in finishing and furnishing their workhouse, and on account of the poor of the said parish; and for their further relief.

Cap. 54. For the more effectual preservation of the game in that part of *Great Britain* called *Scotland*; and for repealing and amending several of the laws now in being relative thereto.

Cap. 55. To explain and amend the several laws now in being, so far as the same relate to the preservation of the moor or hill game.

Cap. 56. For the more effectually restraining the retailing of distilled spirituous liquors; and for preventing the forging or counterfeiting any stamp or seal used for marking silks, calicoes, linens, and stuffs, to be printed, painted, stained, or dyed, in *Great Britain*.

Cap. 57. To explain and amend an act, made in the fourth year of his present Majesty, intituled, *An act to prevent paper bills of credit hereafter to be issued in any of his Majesty's colonies or plantations in America from being declared to be a legal tender in payments of money, and to prevent the legal tender of such bills as are now subsisting from being prolonged beyond the periods limited for calling in and sinking the same*.

Cap. 58. For providing clergymen to officiate in gaols within that part of *Great Britain* called *England*.

Cap. 59. For repealing so much of an act of the thirty-first year of his late Majesty, as inflicts capital punishment for frauds and abuses in the marking or stamping of gold or silver plate; and for inflicting another punishment for the said offence.

Cap. 60.

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Cap. 60. For draining and preserving certain lands and grounds in the parishes of *Tid Saint Giles* and *Newton*, in the *Isle of Ely*, in the county of *Cambridge*; and in *Tid Saint Mary's*, in the county of *Lincoln*.

Cap. 61. For the better lighting and watching the town of *Kingston upon Thames*, in the county of *Surrey*; and for removing and preventing all obstructions, encroachments, and nuisances therein.

Cap. 62. For better regulating the assize and making of bread.

Cap. 63. For establishing certain regulations for the better management of the affairs of the *East India Company*, as well in *India* as in *Europe*.

Cap. 64. For granting to his Majesty a sum of money to be raised by exchequer bills; and to be advanced and applied in the manner, and upon the terms, therein mentioned, for the relief of the united company of merchants of *England* trading to the *East Indies*.

Cap. 65. For explaining two acts, made in the eleventh year of the reign of King *George* the First, and the thirtieth year of the reign of his late Majesty, in relation to the stamp-duties upon news-papers.

Cap. 66. For raising a certain sum of money by loans or exchequer bills, for the service of the year one thousand seven hundred and seventy-three.

Cap. 67. For laying an additional duty on paper printed, painted, or stained, in foreign parts, imported into this kingdom.

Cap. 68. To empower the magistrates therein mentioned to settle and regulate the wages of persons employed in the silk manufacture within their respective jurisdictions.

Cap. 69. For further continuing an act, made in the fourth year of the reign of his present Majesty, for importing salt from *Europe* into the province of *Quebec* in *America*, for a limited time.

Cap. 70. To continue an act, made in the thirty-first year of the reign of his late Majesty King *George* the Second, intituled, *An act for the encouragement of the exportation of culm to Lisbon, in the kingdom of Portugal*; and for charging a higher duty upon culm exported thither in foreign shipping.

Cap. 71. For the better preventing the counterfeiting, clipping, and other diminishing the gold coin of this kingdom.

Cap. 72. To permit the free importation of cod fish, ling, and hake, caught and cured in *Chaleur Bay*, or any other part of the gulph of *Saint Lawrence*, or on the coast of *Labrador*.

Cap. 73. To continue and amend an act, made in the sixth year of the reign of his present Majesty, intituled, *An act for opening and establishing certain ports in the islands of Jamaica and Dominica, for the more free importation and exportation of certain goods and merchandises; for granting certain duties to defray the expenses of opening, maintaining, securing, and improving, such ports; for ascertaining the duties to be paid upon the importation of goods from the said island of Dominica into this kingdom; and for securing the duties upon goods imported from the said island into any*

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other British colony; and for allowing timber and wood to be exported from the said island of *Dominica* into any other of the *British* islands, colonies, or plantations in *America*, for a limited time.

Cap. 74. For the better ascertaining the tonage and burthen of ships and vessels importing and exporting goods into and from this kingdom, or hovering upon the coasts thereof; for amending so much of an act, made in the last session of parliament, for lowering the duty payable upon the importation of oak bark, as relates to the suing for the penalties and forfeitures thereby inflicted in the court of exchequer in *Scotland*; for appropriating the duty on oak bark, granted by the said act; and for obviating doubts which have arisen with respect to the allowing the drawback upon certain calicoes; and the bounty upon *British*-made cordage exported to the islands of *Madeira*, the *Canary* islands, and the *Azores* or western islands.

Cap. 75. For enabling *John, Robert, James, and William Adam*, to dispose of several houses and buildings in the parishes of *Saint Martin in the Fields*, and *Saint Mary le Bone*, in the county of *Middlesex*, and other their effects, by way of chance, in such manner as may be most for the benefit of themselves and creditors.

Cap. 76. To indemnify justices of the peace, deputy lieutenants, and officers of the militia, or others, who have omitted to register or deliver in their qualifications within the time limited by law; and for giving further time for those purposes.

Cap. 77. For granting to his Majesty a certain sum of money out of the sinking fund; and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and seventy-three; and for further appropriating the supplies granted in this session of parliament; and for paying to *John Harrison* a further reward for his invention of a time-keeper for ascertaining the longitude at sea, and his discovery of the principles upon which the same was constructed.

Cap. 78. To explain, amend, and reduce into one act of parliament, the statutes now in being, for the amendment and preservation of the publick highways within that part of *Great Britain* called *England*, and for other purposes.

Cap. 79. For the more effectual preventing the forging of the notes or bills of the governor and company of the bank of *England*; and for the preventing the obtaining a false credit, by the imitation of the notes or bills of the said governor and company.

Cap. 80. To repeal an act, made in the tenth year of the reign of his present Majesty, intituled, *An act for the better preservation of the game within that part of Great Britain called England*; and for making other provisions in lieu thereof.

Cap. 81. For the better cultivation, improvement, and regulation, of the common arable fields, wastes, and commons of pasture, in this kingdom.

Cap. 82. For the better regulation of lying-in hospitals, and other

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other places, appropriated for the charitable reception of pregnant women; and also to provide for the settlement of bastard children, born in such hospitals and places.

Cap. 83. For building a bridge across the river of *Thames*, from *Richmond*, in the county of *Surrey*, to the opposite shore, in the county of *Middlesex*, and to enable his Majesty to grant the inheritance of the ferry at *Richmond* to certain persons therein mentioned.

Cap. 84. To explain, amend, and reduce into one act of parliament, the general laws now in being, for regulating the turnpike roads in that part of *Great Britain* called *England*; and for other purposes.

Cap. 85. For dividing and inclosing the open arable fields, meadows, pastures, and commons, or waste grounds, in the township of *Gowdall*, in the parish of *Snaith*, in the county of *York*, and for draining and preserving the same.

Cap. 86. For improving and completing the navigation of that branch of the river *Trent* which runs by the town of *Newark upon Trent*, from a place called *The Upper Wear*, in the parish of *Averham*, in the county of *Nottingham*, to a place called *The Crankleys*, in the parish of *South Muskham*, in the said county.

Cap. 87. For enlarging the term and powers of an act, made in the twenty-seventh year of the reign of his late Majesty, for repairing the road from the toll-gate in the parish of *Kattering*, in the county of *Northampton*, to *Newport Pagnell*, in the county of *Bucks*.

Cap. 88. To continue the term and alter the powers of an act, made in the twenty-sixth year of the reign of his late Majesty King *George* the Second, for repairing and widening the roads leading from a place called *Basingstons*, near the town of *Bagshot*, in the parish of *Windleham*, in the county of *Surrey*, through *Frimley* and *Farnham*, in the same county, and from thence through *Bentley*, *Hollyborn*, *Alton*, *Chawton*, *Ropley*, *Bishops Sutton*, *New Alresford*, and *Mattingley*, otherwise *Matterley Lane*, to the city of *Winchester*, in the county of *Souhampton*.

Cap. 89. To enlarge the powers of two acts, made in the twenty-fifth year of King *George* the Second, and sixth year of King *George* the Third, for repairing the roads from the north end of *Malling-street*, near the town of *Lewes*, and other roads, in the county of *Suffex*; and for amending the road from the *Broil-park Gate*, to the west end of the turnpike road leading from the turnpike road on *Hurst Green*, through the parishes of *Etchingham* and *Burwash*, and from the said *Broil-park Gate* to the town of *Battell*, in the said county, so far as relates to the road from the *Broil-park Gate* to the west end of the turnpike road leading from the turnpike road on *Hurst Green*, through the parishes of *Etchingham* and *Burwash* aforesaid.

Cap. 90. For repairing and widening the road from *Newark upon Trent*, in the county of *Nottingham*, to join the turnpike road from *Nottingham* to *Grantham*, in the county of *Lincoln*,
near

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near the *Guide-post* on the *Fass* road near *Bingham*, in the said county of *Nottingham*.

Cap. 91. For enlarging the term and powers of an act of parliament of the twenty-seventh year of the reign of his late Majesty King *George* the Second, for repairing and widening the road from the city of *Peterborough*, through *Oundle* and *Thrapston*, to *Wellingborough*, in the county of *Northampton*, and for repairing and widening several other roads near or adjoining thereto.

Cap. 92. For continuing the term and enlarging the powers of an act, made in the twenty-second year of his late Majesty's reign, for repairing and widening the road leading from *The Well* at the north-west end of the town or village of *Farnborough*, in the county of *Kent*, to a place called *River Hill*, in the parish of *Seven Oakes* in the said county.

Cap. 93. For making and continuing a navigable cut or canal from *Maugan Porth*, through the several parishes of *Maugan*, *Saint Colomb Major*, *Little Colan*, and *Saint Colomb Minor*, to *Lower Saint Colomb Porth*, in the county of *Cornwall*.

Cap. 94. For enlarging the terms and powers of two acts, of the tenth and twenty-first years of the reign of his late Majesty King *George* the Second, for repairing the road from *Hertford Bridge Hill* to the town of *Basingstoke*, and also the road from *Hertford Bridge Hill* aforesaid to the town of *Odiham*, in the county of *Southampton*.

Cap. 95. For enlarging the term and powers granted by an act, passed in the twenty-ninth year of the reign of his late Majesty, for repairing and widening the roads leading from the town of *Kington*, in the county of *Hereford*, through the *Welch Hall Lane*, as far as the same county extends; and the several roads leading from *Kington* aforesaid to *Brilley's Mountain*, to *Eardisley*, to *Almley*, to *Eckley's Green*, to *Eardisland*, to *Staple Bar*, and to *Milton House*, in the said county; and for amending the road from the turnpike road in the parish of *Eardisley* to *Willersley* turnpike gate, in the said parish.

Cap. 96. For enlarging the term and varying the powers granted by an act, passed in the twenty-second year of the reign of his late Majesty, for repairing and widening the several roads leading into the town of *Ross*, in the county of *Hereford*.

Cap. 97. For enlarging the terms and powers of three acts, passed in the third, seventeenth, and thirteenth years of the reign of his late Majesty King *George* the Second, for repairing the road leading from a gate called *Shipston* toll-gate, at *Bridgetown*, in the parish of *Old Stratford*, in the county of *Warwick*, through *Alderminster* and *Shipston upon Stower*, to the top of *Long Compton* hill, in the said county of *Warwick*; and also for repairing the road leading from the first mile-stone standing on the said *Shipston* road, through a lane called *Clifford Lane*, and through *Mickleton* and *Chipping Campden*, to a place called *Andover's Ford*, in the county of *Gloucester*, as far as the same relate to the said first-mentioned road.

Cap. 98. For

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Cap. 98. For repairing the road from the *Royal Oak*, on *Wrotham Heath*, to the town of *Wrotham*, in the county of *Kent*, and from thence to *Foots Cray*; and from the said *Royal Oak* to the town of *Maidstone*, in the said county.

Cap. 99. For enlarging the terms and powers of two acts of the twentieth and twenty-sixth years of the reign of his late Majesty, for repairing the high road leading from the city of *Durham*, in the county of *Durham*, to *Tyne Bridge*, in the said county.

Cap. 100. To enlarge the term and powers of an act, made in the fifth year of his present Majesty, for repairing and widening the road from *Newcastle under Line* to *Hassop*, and from *Middlebills* to the *Macclesfield* turnpike road near *Buxton*, and also the road branching out of the first-mentioned road at *Cobridge* to *Burslem*, and to the *Uttoxeter* turnpike road at *Shelton*, in the county of *Stafford*, and for amending several other roads adjoining thereto.

Cap. 101. For continuing the term, and enlarging the powers of an act, made in the seventeenth year of the reign of his late majesty King *George* the Second, for repairing the road from *Cherill*, through *Calne*, to *Studley Bridge*, and from *Cherill* to the *Three Mile Borough*, at the top of *Cherill Hill*, in the county of *Wilts*.

Cap. 102. For continuing the term and enlarging the powers of an act, passed in the eighth year of his present Majesty's reign, for repairing and widening the road from the way-post, in the parish of *Hardingston*, in the county of *Northampton*, to *Old Stratford*, in the said county.

Cap. 103. For continuing and enlarging the terms and powers of two acts, made in the thirty-first year of his late Majesty, and ninth year of his present Majesty's reign, for repairing several roads in the counties of *Montgomery*, *Merioneth*, and *Salop*; and for repairing several other roads therein mentioned.

Cap. 104. To enlarge the powers of two acts, made in the eighth and eleventh years of the reign of his present Majesty, for making and maintaining a navigable cut or canal, from the firth or river of *Forth*, at or near the mouth of the river of *Carron*, in the county of *Stirling*, to the firth or river of *Clyde*, at or near a place called *Dalmuir Burnfoot*, in the county of *Dumbarton*, and also a collateral cut from the same to the city of *Glasgow*; and for making a navigable cut or canal of communication from the port and harbour of *Borrowstounness*, to join the said canal, at or near the place where it will fall into the firth of *Forth*.

Cap. 105. For amending, widening, and keeping in repair, the road from the *Guide-post* at the west end of the town of *Hampton*, over *Sudbury Common*, to the town of *Staines*, in the county of *Middlesex*.

Cap. 106. For enlarging and altering the terms and powers of two several acts, made in the thirteenth year of the reign of King *George* the First, and in the fifteenth year of the reign of King

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King *George* the Second, for repairing the roads leading from the town of *Bromesgrove* to the town of *Dudley*, in the county of *Worcester*, and from the said town of *Bromesgrove* to the town of *Birmingham*, in the county of *Warwick*, so far as the said acts relate to the repairing of the said road, leading from the town of *Bromesgrove* to the town of *Dudley*.

Cap. 107. For enlarging and altering the term and powers of an act, made in the twenty-sixth year of the reign of King *George* the Second, for repairing the roads leading from the market-house in *Stourbridge*, and other roads therein mentioned, in the counties of *Worcester*, *Stafford*, *Salop*, and *Warwick*, respectively.

Cap. 108. For repairing and widening the road from the north turnpike road near *Scot Gate*, otherwise *Sco Gate*, in the town of *Stamford*, in the county of *Lincoln*, to *Oakham*, in the county of *Rutland*, and from *Oakham*, through *Burley*, to a gate on the north side of a certain close, in the said lordship of *Burley*, called *Booth's Close*, adjoining to the open fields of *Cottesmore*, in the said county of *Rutland*.

Cap. 109. For more effectually amending several roads leading from the city of *Exeter*, and for rebuilding or repairing *Exe Bridge*, and making the avenues leading thereto more commodious; and for building a bridge over the river *Exe*, at or near *Countess Wear*; and for amending several other roads therein mentioned.

Cap. 110. To enlarge the term and powers of an act, passed in the sixth year of his present Majesty's reign, intituled, *An act for repairing and widening the road from the present turnpike road at Haverhill to Redcross, in the parish of Shelford, in the county of Cambridge*.

Cap. 111. For building a bridge over the river *Towey*, near *Llandovery*, in the county of *Carmarthen*; and for making the fords near the said town safe and commodious.

Cap. 112. For more effectually amending several roads leading from and near the borough of *Truro*, in the county of *Cornwall*, and for building a bridge over the river, at a place called *The Steppings*, in or near the said borough.

Cap. 113. For building a bridge across the river *Severn*, near *Redstone*, in the county of *Worcester*, and for making proper avenues and roads to and from the same; and for making satisfaction to the proprietors of a ferry across the said river at *Redstone* aforesaid.

Cap. 114. For enlarging the term and powers of three acts, passed in the first, ninth, and twenty-second years of the reign of his late majesty King *George* the Second, for repairing and enlarging the road leading from the house called *The Sign of the Bells*, in the parish of *Saint Margaret*, in *Rochester*, to *Maidstone*, and other roads therein mentioned, in the county of *Kent*.

P R I V A T E

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PRIVATE ACTS.

1. **A**N act for naturalizing *Paul D'Aigremont*.
2. An act for naturalizing *Emeric Vidal, Philippe Rivier, and Abraham Favenc*.
3. An act for naturalizing *Peter Francis Martin*.
4. An act to enable the right honourable *Robert* lord viscount *Clare*, the right honourable *Wellbore Ellis*, and *Charles Jenkinson*, esquire, to take, in *Great Britain*, the oath of office, as vice treasurer, and receiver-general, and paymaster-general, of all his Majesty's revenues in the kingdom of *Ireland*, and to qualify themselves for the enjoyment of the said offices.
5. An act for vesting several fee-farm and other rents, part of the settled estates of sir *Charles Cocks*, baronet, in trustees, to be sold; and for enfranchising certain copyhold or customary lands within the manor of *Reigate*, in the county of *Surrey*, and for laying out the money arising by such sale and enfranchisement in the purchase of other lands, to be settled to the same uses.
6. An act to enable the rector of *Saint Martin* in *Birmingham* to grant leases of certain parts of the glebe lands belonging to the said rectory.
7. An act for obviating doubts, touching the validity of the proceedings of the commissioners appointed by an act, passed in the eleventh year of the reign of his present Majesty, for dividing and inclosing certain lands therein mentioned in that part of the manor of *Tardebig*, which lies in the county of *Worcester*.
8. An act for dividing and enclosing certain waste lands, called *Hadfor Common*, in the county of *Worcester*.
9. An act for dividing and inclosing the open and common fields, and meadow grounds, in the townships of *Snait* and *Cowick*, in the county of *York*.
10. An act for dividing and enclosing the several open fields, open arable lands, commons, and waste grounds, within the manor and parish of *Armthorpe*, in the west riding in the county of *York*.
11. An act for dividing and inclosing the open fields, meadows, common pastures, and waste grounds, within the parish of *Cromwell*, in the county of *Nottingham*.
12. An act for dividing and inclosing the open common fields, meadows, pasture, and other commonable and waste lands, within the manor and parish of *Brinkhill*, in the county of *Lincoln*.
13. An act for dividing and inclosing a certain moor or common, called *Gailes Moor*, in the township and manor of *Dalton Travers*, otherwise *Gailes*, in the parish of *Kirby Ravensworth*, in the north riding of the county of *York*.
14. An act for dividing and inclosing a certain open field, or parcel of land, called *Bonfall Leys and Green*, within the parish of *Bonfall*, in the county of *Derby*.
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15. An act for dividing and inclosing the open and common fields, common meadows, common pastures, and other commonable lands and grounds in the parish of *Ircheſter*, in the county of *Northampton*; and alſo two pieces of land or ground therein deſcribed, lying within the pariſhes of *Wellingborough* and *Great Doddington*, in the ſaid county.

16. An act for dividing and incloſing the ſeveral open fields, arable lands, meadows, commons, and waſte grounds, within the manor of *Church Broughton*, in the county of *Derby*.

17. An act for dividing and incloſing the open fields, ſtinted paſtures, common, and waſtes, within the manor of *Arkendale*, in the weſt riding of the county of *York*.

18. An act for dividing and incloſing ſeveral open fields and commons, or waſte lands, in the manor of *Market Weighton* with *Shipton*, in the county of *York*.

19. An act for dividing and incloſing the open and common fields of *Upton*, in the pariſh of *Burford*, in the county of *Oxford*.

20. An act for dividing, allotting, and incloſing the open common fields, common meadows, common paſtures, and waſte grounds, in the manor and pariſh of *Bourton on the Water*, in the county of *Glouceſter*, and in the manor of *Clapton on the Hill*, in the ſame pariſh.

21. An act for dividing and incloſing *Courchill Common*, within the manor of pariſh of *Churchill*, in the county of *Worceſter*.

22. An act for naturalizing *Iſaac Morier*.

23. An act for naturalizing *John Gottlob Neuman*.

24. An act for naturalizing *John Francis Curhead*.

25. An act for naturalizing *Iſabel Bouillon*.

26. An act for naturalizing *Stephen Beuzerville*.

27. An act to enable truſtees to make leaſes of certain eſtates, late of *Anthony* earl of *Shaſteſbury*, deceased, during the minorities of his children; and for eſtabliſhing and carrying into execution an agreement made between *Mary* counteſs dowager of *Shaſteſbury*, her infant ſon, and the lord biſhop of *Ely*, reſpecting certain meſſuages and tenements ſituate in the pariſh of *Saint Andrew Holbourn*, in the county of *Middleſex*.

28. An act for veſting in *John* earl of *Hopetoun*, and his heirs in fee-fimple, certain lands, part of his entailed eſtate, in the counties of *Haddington* and *Fife*; and for ſettling in lieu thereof, other lands lying contiguous to, and interſperſed with, the ſaid entailed eſtate.

29. An act for veſting the manors of *Eaſt and Weſt Stodeley*, and certain other hereditaments in the county of *Devon*, (part of the ſettled eſtates of *James Bernard* eſquire), in truſtees, to be conveyed to *Matthew Brickdale* eſquire, and his heirs, purſuant to an agreement entered into by him for the purchaſe thereof; and for applying the purchaſe money in diſcharge of a mortgage affecting the ſaid premiſes; and for other purpoſes therein mentioned.

30. An act for veſting the ſettled eſtate of the reverend *Samuel*

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mucl Hemming clerk, and *Maria* his wife, in the county of *Stafford*, in trustees, in order that the same may be conveyed to *George Adams* esquire, and his heirs, pursuant to an agreement made by him for the purchase thereof; and for vesting the purchase money in other lands and hereditaments to be settled to the like uses.

31. An act for exonerating part of the real estate of *Thomas Whichcot* esquire, in the county of *Lincoln*, from a debt of ten thousand pounds, charged thereon for the portions of the younger children of *Christopher Whichcote* esquire, and *Jane* his wife, daughter of the said *Thomas Whichcote*, and for subjecting and charging other lands of greater value, to the payment thereof.

32. An act to enable the vicar of *Kensington*, in the county of *Middlesex*, to grant leases of part of the glebe lands belonging to the said vicarage.

33. An act for dividing and inclosing several commons, heaths, and waste grounds, within the parish of *Drayton in Hales*, in the counties of *Salop* and *Stafford*.

34. An act for dividing and inclosing several lands and grounds in the parish of *Goxhill*, in the county of *Lincoln*.

35. An act for dividing and inclosing the open and common fields, common meadows, common pastures, heath, lot, and waste ground, in the parish of *East Hadden*, in the county of *Northampton*.

36. An act for confirming and establishing articles of agreement, for the better ordering and regulating the manner of feeding, using, and enjoying, several commonable and waste grounds, lying in *Chatteries*, in the isle of *Ely*, and county of *Cambridge*, and also for ascertaining the parts or lots belonging to each commoner, in certain fens therein mentioned; and for empowering the commoners to plough, and cultivate the said fens for a certain number of years therein limited; and for obliging occupiers of lands, in the open fields of *Chatteries*, to fence the same.

37. An act for dividing and inclosing certain open common fields, meadows, ings, and other commonable lands and waste grounds, within the township and parish of *East Keal*, otherwise *Easter Keal*, in the county of *Lincoln*.

38. An act for dividing and inclosing the open and common fields, common pastures, common meadows, common grounds, heath, and waste ground, in the manor and parish of *Ragby*, in the county of *Warwick*.

39. An act for dividing and inclosing certain fields, lands, and grounds, within the township or lordship of *Everthorpe*, in the parish of *North Cave*, in the east riding of the county of *York*.

40. An act for dividing and inclosing certain open and common fields, meadows, ings, and other commonable lands and waste grounds, within the manor of *Toyntons*, in the townships of *Toynton all Saints*, and *Toynton Saint Peters*, in the county of *Lincoln*:

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41. An act for dividing and inclosing certain open common fields, ings, common pastures, and other commonable lands, within the manors, or manor, and township of *Hemingby*, in the county of *Lincoln*.
42. An act for dividing and inclosing certain moors or commons within the townships of *Whitton le Wear*, and *North Bedburne*, within the chapelry of *Whitton le Wear*, in the manor of *Walsingham*, in the county palatine of *Durham*.
43. An act for dividing and inclosing certain open fields, lands, and grounds, within the township or lordship of *Wilton*, in the parish of *Ellerburn*, in the north riding of the county of *York*.
44. An act for dividing and inclosing certain open and common fields, meadows, pastures, furze, and waste grounds, in the parish of *Thorpe on the Hill*, in the county of *Lincoln*.
45. An act for dividing and inclosing the common and waste land, within the manor of *Sambourn*, in the parish of *Coughton*, in the county of *Warwick*.
46. An act for dividing and inclosing several open and common fields, common meadows, and other commonable lands and places, within the parish of *Nafford*, and chapelry of *Birlingham*, in the county of *Worcester*.
47. An act to enable *Robert Athorpe Blanchard*, esquire, now called *Robert Athorpe Athorpe*, and his heirs male, to take and use the surname of *Athorpe* only, pursuant to the will of *Henry Athorpe*, esquire, deceased.
48. An act for naturalizing *Joseph Fernel*.
49. An act for vesting certain tenements and hereditaments in the counties of *Oxford*, *Berks*, and *Wilts*, part of the settled estates of the earl of *Macclesfield*, in trustees, to be sold or exchanged, and the money arising thereby to be laid out in the purchase of other lands, tenements, and hereditaments, to be settled to the same uses; and for other purposes therein mentioned.
50. An act to enable the dean and chapter of the cathedral church of *Worcester*, to make and establish an exchange of certain lands and premises, in the county of *Worcester*, for other lands and premises in the said county, belonging to *Thomas Foley* esquire.
51. An act to empower the wardens, preceptor, or master of the scholars, and poor people of the alms-house or hospital of *Jesus*, in *Gisburn* in *Cleveland*, in the county of *York*, to convey a certain messuage, and divers lands, tenements, and hereditaments, the estate of the said alms-house or hospital, unto *Charles Turner* of *Kirkleatham*, in the said county, esquire, and his heirs; and to enable the said wardens, preceptor, or master, of the scholars and poor people of the alms-house or hospital of *Jesus*, to carry into execution an agreement with the reverend *Henry Hewgill*, of *Hornby Grainge*, in the said county of *York*, clerk, for the purchase of a certain messuage, or tenement, lands and hereditaments, in the parish of *Birkby*, in the north riding of

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of the said county, of greater value, to be conveyed to, and held by them and their successors, for the use, benefit, and advancement of the said charity.

52. An act for effecting an exchange of lands, between *Charles Turner*, esquire, and the master, fellows, and scholars of *Trinity College* in *Cambridge*.

53. An act for nominating a person, in the room of *Thomas Cartwright* esquire, deceased, to join with *Elizabeth Cartwright* widow, in directing the sale of such part or parts of the settled estates of the said *Thomas Cartwright*, deceased, as they shall think proper, for raising five thousand seven hundred pounds, and for other purposes.

54. An act to enable *James Theobald*, esquire, to carry into execution an agreement for sale of certain hereditaments, situate at *White Waltham*, in the county of *Berks*, (part of his settled estates), to the reverend *William Reid*; and for laying out the money arising by such sale in the purchase of other lands and hereditaments, to be settled to the uses to which the said settled estates do now stand limited.

55. An act to enable the rector of the parish church of *Stockport*, in the county of *Chester*, for the time being, to grant leases of part of the glebe lands belonging to the said rectory, and to exchange part of the said glebe lands, and other lands in the township of *Stockport* aforesaid, between sir *George Warren* knight of the bath, patron of the advowson of the said rectory, and *John Watson*, present rector of the parish and parish church of *Stockport* aforesaid.

56. An act for dividing and inclosing the open fields, pasture grounds, ings, and common or waste ground, within the township of *East Cottingham*, in the east riding of the county of *York*.

57. An act for dividing and inclosing the open arable fields, meadow and pasture grounds, within the town and territories of *Burfwick* and *Sheckling*, in the parish of *Sheckling cum Burfwick* in *Holderneß*, in the east riding of the county of *York*.

58. An act for dividing, allotting, and inclosing the open and common fields, meadows, commonable lands, and commons, within the manor, parish, township, and liberties of *Houghton cum Witton*, in the county of *Huntingdon*.

59. An act for dividing and inclosing the open commons, and waste grounds, within the manor and township of *Walsgrave*, otherwise *Falsgrave*, in the parish of *Scarborough*, in the north riding of the county of *York*.

60. An act for dividing and inclosing the open and common fields, and commonable land, lying within the townships, liberties, and precincts of *Broad Sibford*, otherwise *Sibford Gower*, and *Burdrup*, in the parish of *Swalcliffe*, in the county of *Oxford*.

61. An act for dividing, inclosing, and allotting the open or common fields, meadows, pasture commonable places, and other lands and grounds, within the township of *Whitgrave*, in the county of *Stafford*.

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62. An act for dividing and inclosing several open fields, lands, and grounds, in the parish of *Whitton*, in the county of *Lincoln*.

63. An act for dividing, allotting, and inclosing, the open and commonable fields, meadows, lands, and waste grounds of, within and belonging to the manor, parish, and liberties of *Preston*, in the county of *Rutland*.

64. An act for dividing, and inclosing, the open and common fields, of *Newbold upon Avon*, in the county of *Warwick*, and *Longlawford Heath*; in the parish of *Newbold* aforesaid.

65. An act for dividing and inclosing the open common fields, meadow grounds, and common fens, in the parish of *Hackonby*, in the county of *Lincoln*.

66. An act for dividing and inclosing the commons, wastes, and common fields, in the parishes of *Tingewick*, and *Radclive cum Chackmore*, in the county of *Bucks*.

67. An act for dividing and inclosing certain moors, commons, or tracts of waste land within the parish and manor of *Lauchester*, in the county palatine of *Durham*.

68. An act for dividing, inclosing, and allotting a certain common or parcel of waste land, called *Kinfare* and *Compton Common*, within the manor and parish of *Kinver*, otherwise *Kinfare*, in the county of *Stafford*.

69. An act for dividing and inclosing the several open arable fields, parcels of meadow, or pasture, and other grounds, within the parish of *Harpham*, in the parish of *Agnes Burton*, in the east riding of the county of *York*.

70. An act for dividing and inclosing a certain open field, and the commons, common of pasture, and waste grounds, within the parishes of *Skipton*, and *Kildwick*, in the county of *York*.

71. An act to dissolve the marriage of *John Featherston Bowerbanke*, with *Anne Jane Bonnett*, his now wife, and to enable him to marry again; and for other purposes therein mentioned.

72. An act to enable *Edward Gregge Hopwood*, (late *Edward Gregge*) esquire, and the heirs male of his body, and the other persons therein described, to retain, take, and use the surname of *Hopwood*, and to bear and quarter the arms of *Hopwood*, pursuant to the will of *Robert Hopwood* deceased.

73. An act for vesting certain manors, lands, and tenements, in the *Isle of Wight*, part of the settled estate of sir *Thomas Miller* baronet, in trustees, to be sold; and for purchasing other lands and hereditaments, to be settled to the same uses.

74. An act for discharging divers messuages, lands, and hereditaments, part of the estate of *John Hudson* late of *Bessingby*, in the county of *York*, esquire, deceased, from the uses of his marriage settlement, and for settling other lands and hereditaments to the same uses.

75. An act for vesting the moiety of the manor of *Russels*, and the moiety of divers messuages, lands, and hereditaments, with the appurtenances in *Cheilsford* otherwise *Chilford*, and other places in the county of *Suffolk*, comprized in the settlement made

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made previous to the marriage of Mr. *Charles Smith*, and *Elizabeth* his now wife, late *Elizabeth Bishop* spinster, in trustees, to be sold; and for purchasing other lands and hereditaments, to be settled to the like uses.

76. An act to enable the governors of the free grammar school of *Edward the Sixth*, late King of *England*, in the town of *Sedburgh*, in the county of *York*, to exchange certain lands and possessions of the said school, therein mentioned, with *Walter Vavasour*, of *Weston*, in the said county, esquire, for other lands in the parish of *Sedburgh*, aforesaid, of greater value, to be settled to the same uses.

77. An act for empowering the judges of the court of *session*, in *Scotland*, to sell each part or parts of the estate of *Barnholm* in the stewartry of *Kirkcudbright*, belonging to *John M'Culloch*, now of *Barholm*, as shall be sufficient for payment of the debts affecting the same, and for settling the remainder of the said estate in tail on the same series of heirs, and in the same manner, as is mentioned in a deed of entail, made in the year one thousand seven hundred and sixty-two.

78. An act to empower the trustees of *Roan's* charity in *Greenwich*, to sell a messuage, and two pieces of land, part of the estate of the said charity, to the vicar of the said parish, and to apply the money arising by such sale in the purchase of other lands, to be conveyed to the like uses; and to enable the said vicar to take a conveyance of the said messuage, and two pieces of land; and for other purposes therein mentioned.

79. An act for selling the settled estates of *Henry Cornish Hensley*, esquire, in *Lyme Regis*, *Wooten Fitz-pain*, and *Maiden Newton*, in the county of *Dorset*, and for laying out the money to arise thereby in the purchase of other lands and hereditaments, to be settled to the same uses as the said settled estates now stand limited.

80. An act for dividing and inclosing the open and common fields, and all other commonable lands, and certain lot ground, within the several villages or townships of *Beckford*, *Grafton*, *Ashton Underhill*, and *Bengrove* in the parish of *Beckford*, and county of *Gloucester*.

81. An act for dividing and inclosing the open and common fields, and common pastures of *Sheafby*, in the parish of *Knaptoft*, and county of *Leicester*.

82. An act for dividing and inclosing the open common fields, meadow grounds, common fen, cow pasture, and other commonable lands, in the parish of *Helpringham*, in the county of *Lincoln*.

83. An act for dividing and inclosing certain commons or pastures, called *Hognaston Wynn*, and *Hognaston Oldfield*, within the liberty of *Hognaston*, in the county of *Derby*.

84. An act for dividing and inclosing the open and common fields, common meadows, and commonable lands, within the parish of *Longmarston*, in the county of *Gloucester*.

85. An act for dividing, allotting, and inclosing the open
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and common fields, meadows, commonable lands and commons, within the manor, parish, and liberties of *Little Stukeley*, in the county of *Huntingdon*.

86. An act for dividing and inclosing the open arable fields, meadow and pasture grounds, within the township of *Preston*, in *Holderness*, in the east riding of the county of *York*.

87. An act for severing, dividing, inclosing, and allotting divers parcels of common, or waste grounds, within the townships of *Groppenhall* and *Latchford*, in the county palatine of *Chester*.

88. An act for dividing and inclosing the several open fields, within the township and parish of *Drax*, in the west riding of the county of *York*.

89. An act for dividing and inclosing the several open fields, carrs, ings, or meadow grounds and commons or waste grounds within the township and parish of *Holme upon Spalding Moor*, in the east riding of the county of *York*.

90. An act to dissolve the marriage of *John Gordon* esquire, with *Jane Norris Fisher*, his now wife, and to enable him to marry again; and for other purposes therein mentioned.

91. An act to dissolve the marriage of *John Green* clerk, with *Elizabeth Green*, his now wife, and to enable him to marry again: and for other purposes therein mentioned.

92. An act for making a partition and division of certain estates, in the parish of *Ryton*, in the county of *Durham*, between sir *Edward Blackett* baronet, and sir *Walter Blackett* baronet, pursuant to an agreement made between them.

93. An act for the division, allotment, and appropriation of several messuages, lands, and hereditaments, in the several counties of *Leicester*, *Nottingham*, and *Lincoln*, the estates of *Thomas Heron* esquire, whereof he is either tenant for life, under different settlements, or whereunto he is intitled to him and his heirs in fee simple.

94. An act for vesting part of the settled estate of *Smith Child* gentleman, in the county of *Stafford*, in trustees, to be sold, to raise money to pay off the incumbrances charged upon, and affecting the same, and for other purposes therein mentioned.

95. An act for sale of the settled estate of *Henry Spelman* clerk, in the county of *Norfolk*, and for other purposes therein mentioned.

96. An act for sale of certain charity estates therein mentioned, and to apply the money to arise therefrom, in the building of a town-hall and shambles in the town of *Newark upon Trent*; and in the purchasing of lands and hereditaments for enlarging the church-yard of the said town, and for opening the avenues thereto; and for laying out the residue of the money in purchasing other lands, to be settled to the charitable uses therein mentioned.

97. An act for establishing and rendering effectual certain articles of agreement, enabling the several fee farm and customary tenants, within the honour, manor, and lordship of *Hornby* and

A TABLE of the STATUTES.

and manor of *Tatham*, in the county palatine of *Lancaster*, to purchase the timber trees and underwoods growing upon their respective tenements; and for vesting the sole property thereof in them respectively, and extinguishing the customary right of the other tenants therein, and for releasing and extinguishing the freehold, fee farm, and customary rents, boons, fines, and other services of right due and accustomed for the tenements of such of the said tenants who have executed the said articles of agreement, and of such who shall within the time limited by this act come in and purchase their timber, trees, woods, and underwoods, rents, boons, fines, and franchise-ments, with such exceptions and reservations only as are in this act mentioned.

98. An act to empower the reverend *Ptolemy Humfrey* clerk, and the reverend *John Jephcot* clerk, and *Catharina Dorothea* his wife; and to exchange a messuage and certain closes in *Thorpe Mandeville*, in the county of *Northampton*, part of the glebe of the rectory of *Thorpe Mandeville* aforesaid, for a messuage, two small cottages, and several closes and lands in *Thorpe Mandeville* aforesaid, part of the estate of *Richard Jennings* of *Weston*, in the county of *Northampton*, esquire; and for the setting out, assigning, and appointing other closes, lands or grounds of the said *Richard Jennings* in *Thorpe Mandeville* aforesaid, in lieu of tithes, and for other the purposes therein mentioned.

99. An act for dividing and inclosing several tracts, or parcels of common and waste ground called and known by the respective names of *Temple Sowerby Moor*, the *Down Moor*, the *Whinnes*, and *Parson's Close*, within the parish of *Kirkby Thore*, in the county of *Westmoreland*.

100. An act for dividing and inclosing a certain parcel of common, or waste land, called *Galey Common*, lying within the manor or lordship of *Galey*, in the county of *Stafford*.

101. An act for dividing and inclosing the common and waste grounds, within the manor and township of *Culgaithe*, in the county of *Cumberland*.

102. An act for dividing, allotting, and inclosing the common fields, common meadows, and other commonable lands, in the manor and parish of *Stanton Harcourt*, in the county of *Oxford*.

103. An act for dividing and inclosing the commons and waste lands within the manor of *Trysil*, and *Seisdon*, in the parish of *Trysil*, in the county of *Stafford*.

104. An act for dividing and inclosing certain open and common fields, meadows, ings, moors, common pastures, and other commonable lands within the manors of *Haltbam cum Roughton*, in the townships of *Haltbam* and *Roughton*, in the county of *Lincoln*.

105. And act for dividing and inclosing certain commons and waste lands, in the several parishes of *Round Aston*,
Morvil,

A TABLE of the STATUTES.

Morvil, Barrow, Much Wenlock, and Astley Abbots, in the county of Salop.

106. An act for dividing and inclosing the several parcels of fen, and other commonable lands, within the parish of *Swinehead*, in the county of *Lincoln*; and also, a certain plot of land, called *Wigtoft Marsh*, in and near to the said parish of *Swinehead*.

107. An act for dividing and inclosing the open and common fields, and commonable lands, within the manor and parish of *Horseington*, in the county of *Lincoln*.

108. An act to dissolve the marriage of *Philip Cade* esquire, with *Catharine Whitworth*, his now wife, and to enable him to marry again, and for other purposes therein mentioned.

109. An act for naturalizing *William Villers*, an infant.

110. An act for vesting part of the estates strictly entailed by the will of the most noble *Charles Noel* late duke of *Beaufort* in trustees to be sold, and for applying the money arising by such sale in the purchase of other manors, lands, and hereditaments, in the county of *Monmouth*, to be settled to the same uses.

111. An act for discharging the manor of *Greenfield*, and divers messuages, lands, and hereditaments, in the county of *Lincoln*, part of the estate of *Richard* earl of *Scarborough*, from the uses, estates, and trusts, declared concerning the same, by the settlement executed previous to his marriage with *Barbara* countess of *Scarborough* his wife; and for settling other lands, and hereditaments of greater value, in lieu thereof, to the like uses.

112. An act for vesting divers freehold and leasehold estates, and certain goods and chattels, late of sir *Edward Turner*, baronet, deceased, in sir *Gregory Turner* baronet, his eldest son, as a compensation for, and in satisfaction of his claims on his said late father's estate and effects.

113. An act for vesting part of the settled estates of *Charles Bower Adderley* esquire, in the parishes of *Hanbury* and *Leigh*, in the county of *Stafford*, in trustees, to be sold, for payment of the incumbrances affecting the same; and for laying out the residue of the money arising by such sale in the purchase of other lands and hereditaments, to be settled to the like uses.

114. An act for dividing and inclosing the open and common fields, common meadows, common pastures, common grounds, and commonable lands, within the parish and liberties of *Hooknorton* and *Southtop*, in the county of *Oxford*.

115. An act for dividing and inclosing the open and common fields and lands, common heath and waste grounds, within the township of *West Willoughby*, in the manor of *Sudbrooke*, and parish of *Ancaster*, in the county of *Lincoln*.

116. An act for naturalizing *Jacques*, otherwise *James Louis*, an infant, under the age of eighteen years.

THE

THE STATUTES at Large, &c.

Anno regni GEORGII III. Regis, Magnæ Britanniae, Franciæ, & Hiberniæ, decimo tertio.

AT the parliament begun and holden at Westminster, the tenth day of May, Anno Dom. 1768. in the eighth year of the reign of our sovereign lord GEORGE the Third, by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the twenty-sixth day of November, 1772; being the sixth session of the thirteenth parliament of Great Britain.

C A P. I.

An act for allowing the importation of wheat, wheat-flour, rye, rye-meal, barley, barley-meal, oats, oat-meal, pease, beans, tares, callivancies, and all other sorts of pulse, from any part of Europe or Africa, into this kingdom, for a limited time, free of duty.

WHEREAS the importation of wheat, wheat-flour, rye, rye-meal, barley, barley-meal, oats, oat-meal, pease, beans, tares, callivancies, and all other sorts of pulse, from any part of Europe or Africa, into Great Britain, will be advantageous to this kingdom: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for any person or persons whatsoever to import into Great Britain, in any ship or vessel whatsoever, at any time or times before the first day of January,

At any time before Jan. 1, 1774, Wheat, Wheat-flour, Rye, &c. may be imported from Europe or Africa, duty-free;

and may be carried coastwise under former regulations.

one thousand seven hundred and seventy-four, any wheat, wheat-flour, rye, rye-meal, barley, barley-meal, oats, oat-meal, pease, beans, tares, callivancies, and all other sorts of pulse from any part of *Europe* or *Africa*, without the payment of any subsidy, custom, duty, or imposition whatsoever; and may also be carried coastwise, under such regulations as wheat, wheat-flour, rye, rye-meal, barley, barley-meal, oats, oat-meal, pease, beans, tares, callivancies, and all other sorts of pulse of the growth of this kingdom, are now allowed to be carried coastwise, at all times before the said first day of *January*, one thousand seven hundred and seventy-four; any thing in any former or other act or acts of parliament to the contrary thereof in any-wise notwithstanding.

Entry to be made in such form as was formerly practised, before the making of this act;

otherwise such wheat, &c. shall be subject to the duties formerly payable on the importation thereof.

II. Provided always, and be it further enacted by the authority aforesaid, That a due entry shall be made, in such manner and form as were used or practised before the making of this act, of all wheat, wheat-flour, rye, rye-meal, barley, barley-meal, oats, oat-meal, pease, beans, tares, callivancies, and all other sorts of pulse, which shall be imported or brought into this kingdom before the said first day of *January*, one thousand seven hundred and seventy-four, at the custom-house belonging to the port into which the same shall be imported or brought in; or otherwise, in default of making such entry, such wheat, wheat-flour, rye, rye-meal, barley, barley-meal, oats, oat-meal, pease, beans, tares, callivancies, and all other sorts of pulse, shall be liable and subject to such and the same duties as were payable upon the importation thereof before the making of this act; any thing in this act contained to the contrary notwithstanding.

C A P. II.

An act for allowing the importation of wheat, wheat-flour, Indian corn, Indian meal, biscuit, pease, beans, tares, callivancies, and all other sorts of pulse, from his Majesty's colonies in America, into this kingdom, for a limited time, free of duty.

Preamble.

WHEREAS the importation of wheat, wheat-flour, Indian corn, Indian meal, biscuit, pease, beans, tares, callivancies, and all other sorts of pulse, from his Majesty's colonies in America, into Great Britain, will be advantageous to this kingdom: may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for any of his Majesty's subjects to import into *Great Britain*, in any ship or vessel navigated according to law, at any time or times, from and after the first day of *December*, one thousand seven hundred and seventy-two, and before the first day of *January*,

Any of his Majesty's subjects, from

January, one thousand seven hundred and seventy-four, any wheat or wheat-flour, *Indian corn*, *Indian meal*, biscuit, pease, beans, tares, callivancies, and all other sorts of pulse, from any of his Majesty's colonies in *America*, without the payment of any subsidy, custom, duty, or imposition whatsoever; any thing in any former or other act or acts of parliament to the contrary thereof in any-wise notwithstanding.

II. Provided always, and be it further enacted by the authority aforesaid, That a due entry shall be made in such manner and form as were used or practised before the making of this act, of all wheat, wheat flour, *Indian corn*, *Indian meal*, biscuit, pease, beans, tares, callivancies, and all other sorts of pulse, which shall be imported or brought into this kingdom by virtue of this act, before the said first day of *January*, one thousand seven hundred and seventy-four, at the *Custom House* belonging to the port into which the same shall be imported or brought in; or otherwise, in default of making such entry, such wheat, wheat-flour, *Indian corn*, *Indian meal*, biscuit, pease, beans, tares, callivancies, and all other sorts of pulse, shall be liable and subject to such and the same duties, as were payable upon the importation thereof before the making of this act; any thing in this act contained to the contrary notwithstanding: and such wheat, wheat-flour, *Indian corn*, *Indian meal*, biscuit, pease, beans, tares, callivancies, and all other sorts of pulse, may be carried coastwise, under such regulations as wheat, wheat-flour, and pulse, of the growth of this kingdom, are now allowed to be carried coastwise, at all times before the said first day of *January*, one thousand seven hundred and seventy-four.

Dec. 1, 1772, and before Jan. 1, 1774. may import wheat, wheat-flour, &c. from America, duty free. Due entry to be made as formerly;

otherwise such wheat, &c. shall be subject to the duties formerly payable on importation;

and such wheat, &c. may be carried coastwise as formerly.

C A P. III.

An act to prohibit the exportation of corn, grain, pease, beans, meal, malt, flour, bread, biscuit, and starch; and also the extraction of low wines and spirits from wheat and wheat-flour, for a limited time.

WHEREAS it is expedient that the exportation of any sort of corn, grain, pease, beans, meal, malt, flour, bread, biscuit, and starch, out of the kingdoms of Great Britain, or Ireland, should be prohibited for a limited time: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament, assembled, and by the authority of the same, That from and after the passing of this act, no person or persons whatsoever shall, directly or indirectly, export, transport, carry, or convey, or cause or procure to be exported, transported, carried, or conveyed, out of or from the said kingdoms of Great Britain or Ireland, or load or lay on board, or cause or procure to be laden or laid on board, in any ship or other vessel, or boat, in order to be exported or carried out of

Preamble.

After passing this act, all sorts of corn, grain, &c. transported from Great Britain or Ireland, or loaded in any ship, &c. for transportation shall be forfeited;

the

and offenders to forfeit 20s. for every bushel of corn, grain, &c. and 12 d. for every lb. wt. of bread, &c. and also the ship, boat, &c. and all her guns, tackle, &c.

Offences committed in England may be recovered in any of his Majesty's courts of record at Westminster, &c.

and, in Scotland, before the courts of session or exchequer; and forfeitures incurred in Ireland, are recoverable in the courts of record in Dublin.

The master and mariners knowingly aiding such offence, to be imprisoned for 3 months.

In case any person on board, (except the master) shall discover an offence to the commissioners, &c. of the customs, within 5 months after the offence; he shall be intitled to one third of the money recovered by means thereof, after deducting charges;

the said kingdoms of *Great Britain* or *Ireland*, any sort of corn, grain, pease, beans, meal, malt, flour, bread, biscuit, or starch, under the penalties and forfeitures herein-after mentioned; that is to say, That all the said commodities that shall be so exported, shipped, or laid on board, or loaded to be exported, shipped, or carried out contrary to this act, shall be forfeited; and that every offender or offenders therein, shall forfeit the sum of twenty shillings for every bushel of corn, grain, pease, beans, malt, meal, or flour, and twelpence for every pound weight of bread, biscuit, or starch, and so in proportion for any greater or less quantity which shall be so exported, shipped, or put on board to be exported; and also the ship, boat, or vessel, upon which any of the said commodities shall be exported, shipped, or laden to be exported, and all her guns, tackle, apparel, and furniture, shall be forfeited; and one moiety of all the said penalties and forfeitures shall be to the King's majesty, his heirs and successors, and the other moiety to him or them that will sue for the same: and for offences which shall be committed in that part of *Great Britain* called *England*, such penalties and forfeitures shall be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or before the justices of assize, or at the great sessions in *Wales*, or by information at any general quarter sessions of the peace for the county, city, riding, division, or place, where the offence shall be committed; and in such suit no essoin, protection, privilege, or wager of law, shall be allowed: and for offences which shall be committed in that part of *Great Britain* called *Scotland*, by action, or summary bill, or information, in the courts of session or exchequer in *Scotland*: and for offences which shall be committed in *Ireland*, in his Majesty's courts of record in *Dublin*, or at the general quarter sessions of the peace for the county, city, or place where the offence shall be committed: and that the master and mariners of any such ship, boat, or vessel, wherein any such offence shall be committed, knowing such offence, and wittingly and willingly aiding and assisting thereunto, and being thereof duly convicted, in any such courts as aforesaid, shall be imprisoned for the space of three months, without bail or mainprize.

II. And it is hereby further enacted by the authority aforesaid, That in case any mariner or other person on board any ship or vessel (other than and except the master or person having the charge or command thereof) wherein any corn, grain, pease, beans, meal, malt, flour, bread, biscuit, or starch, shall be exported, contrary to the intent and meaning of this act, shall discover any such offence to the commissioners, or any officer of his Majesty's customs, within the space of five months after such offence shall be committed, such mariner, or other person (except as aforesaid) making such discovery, shall, as an encouragement, have, and be intitled to receive, one third part of the net money which shall be recovered and paid by means of such discovery, after deducting, from the money recovered, the

the charges of prosecuting for and recovering the same; and one other third part thereof shall be to the use of his Majesty, his heirs, and successors; and the other third part, to such officer or officers of his Majesty's customs, as shall sue and prosecute for the same.

another third to his Majesty's use; and the other to the prosecutor.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, being an officer or officers of the customs, or being lawfully authorised in this behalf, by the lord high treasurer of *Great Britain*, or the commissioners of the treasury for the time being, or any three or more of them, to take and seize all such of the said commodities, not allowed to be exported by this act, as he or they shall happen to find, know, or discover to be laid on board any ship or other vessel, or boat, at sea, or in any port, or in any navigable river or water, to the intent or purpose to be exported, transported, or conveyed out of *Great Britain* or *Ireland*, contrary to the true intent of this act; and also the ship, vessel, or boat, in which the same shall be found; and to bring the said goods to the king's warehouse or warehouses, belonging to the custom-house next to the place where such seizures shall be made, or to some other safe place (where there are no such warehouses) in order to be proceeded against according to law; and, in case of recovery, to be divided in manner as aforesaid.

Officers of the customs, &c. may seize commodities not allowed to be exported, laid on board any ship with intent to be exported,

and bring the same to the King's warehouse, &c.

IV. Provided always, That this act, or any thing herein contained, shall not extend to prohibit the exportation of such or so much of the said commodities as shall be necessary to be carried in any ship or ships, or other vessel or vessels, in their respective voyages, for the sustenance, diet, and support of the commanders, masters, mariners, passengers, or others, in the same ships or vessels only, or for the victualling or providing any of his Majesty's ships of war, or other ships or vessels in his Majesty's service, or for his Majesty's forces, forts, or garrisons; any thing herein contained to the contrary notwithstanding.

Not to extend to prohibit so much of the said commodities as shall be necessary for vessels in their respective voyages, or for victualling ships of war, or any of his Majesty's garrisons,

V. Provided also, That this act, or any thing herein contained, shall not extend to prohibit any person or persons to ship, or put on board, any of the commodities aforesaid, to be carried coastwise; that is to say, from any port, creek, or member of the kingdoms of *Great Britain* or *Ireland*, to any other port, creek, or member, of the same respectively, having such or the like coast coquet, or sufferance, for that purpose; and such or the like sufficient security being first given for the landing and discharging the same, in some other port, member, or creek, of the said kingdoms, and returning a certificate in six months, as is required by law, in cases where goods which are liable to pay duties on exportation are carried coastwise from one port of *Great Britain* to another, and not otherwise.

or carrying coastwise any of the said commodities, under coast coquets, security being first given.

VI. Provided also, That this act, or any thing herein contained, shall not extend to any of the said commodities which shall be exported, or shipped to be exported, out of or from

This act not to extend to hinder any of the said com-

modities being shipped out of Great Britain to Ireland, &c. or from Great Britain or Ireland to Gibraltar, &c.

the exporter declaring the island for which they are designed, and being bound in treble the value, that such corn, &c. shall not be landed or sold at any other place.

Certificates to be given by collectors, &c. without fee.

Officers making false certificates, to forfeit 200l.

Any person counterfeiting a certificate to forfeit 200l. and the certificate to be void.

Offences in Great Britain may be recovered as before directed; in the colonies in America, and dominions in Europe, before the court of admiralty, &c.

Nothing herein to prohibit

Great Britain to Ireland, or from Ireland to Great Britain, or from Great Britain, or Ireland, to Gibraltar or Minorca, or unto any of his Majesty's islands or colonies in America, that have usually been supplied with any of the said commodities from Great Britain or Ireland, for the sustentation of the inhabitants of the said islands, colonies, or dominions, or for the benefit of the British fishery in those parts only, so as the exporter do, before the shipping or laying on board the same, declare the island, colony, or dominion, islands, colonies, or dominions, for which the said commodities are respectively designed; and do become bound, with other sufficient security, in treble the value thereof, to the commissioners, or chief officer or officers, of his Majesty's customs, belonging to the port or place where the same shall be shipped or put on board. (who hath or have hereby power to take such security, in his Majesty's name, and to his Majesty's use), that such commodities shall not be landed or sold in any parts whatsoever, other than the kingdoms, dominions, islands, or colonies, for which the same shall be so declared; and that a certificate under the hand and seal of the collector, comptroller, or other chief officer of the customs; or, if no such, of the naval officer, or some other principal officer of the port where the same shall be landed, shall, within the respective times herein-after for that purpose mentioned (the danger of the seas excepted) be returned to the officers who took the said bonds, that the said commodities have been landed at the port or place for which the same shall be so declared; and for the taking of such security, and for giving such certificates, (which the respective officers aforesaid are hereby, on demand, required to give) no fee or reward shall be demanded or received: and if any officer shall make any false certificate of any such commodities being so landed, such officer shall forfeit the sum of two hundred pounds, and lose his employment, and be incapable of serving his Majesty, his heirs or successors, in any office relating to the customs; and if any person shall counterfeit, raise, or falsify any such certificate, or knowingly publish any such counterfeit, raised, or false certificate, he shall forfeit the sum of two hundred pounds, and such certificate shall be void and of no effect: which said penalties for offences committed in Great Britain or Ireland shall be recovered in the same courts, and in the same manner, as the other penalties inflicted by this act are recoverable; and for offences committed in the colonies and plantations in America, or other the dominions belonging to the crown of Great Britain, in Europe, shall be recovered in the high court of admiralty, or in any chief court of civil or criminal jurisdiction, in such respective colonies, plantations, or dominions; and shall be divided into equal moieties between his Majesty and the informer; and the said bond or bonds, if not prosecuted within three years, shall be void.

VII. Provided also, That nothing herein contained shall extend to prohibit the exportation of beans to the British forts, castles,

castles, and factories, in *Africa*; or for the use of the ships trading upon that coast, that usually have been supplied with the same from *Great Britain* or *Ireland*; so as the like security be given for the exporting thereof, as is required by this act to be given by persons carrying any of the said commodities to the *British* colonies in *America*.

VIII. Provided also, That nothing herein contained shall extend to prohibit the united company of merchants of *England* trading to the *East Indies* from exporting any of the said commodities to any of their forts, factories, or settlements, for the support of the persons residing there, so as the like security be given for the exporting thereof, as is required by this act to be given by persons carrying any of the said commodities to the *British* colonies in *America*.

IX. Provided also, That this act, or any thing herein contained, shall not extend to any wheat, flour, malt, barley, bread, biscuit, or pease, to be transported out of or from the port of *Southampton* only unto the islands of *Jersey*, *Guernsey*, and *Alderney*, or any of them, for the only use of the inhabitants of those islands, so as the exporter, before the lading of such commodities, or laying the same on board, do become bound, with other sufficient security, in treble the value thereof, which the customer or comptroller of the same port hath hereby power to take, in his Majesty's name, and to his Majesty's use, and for which security no fee or reward shall be given or taken, that such commodities shall be landed in the said islands of *Jersey*, *Guernsey*, and *Alderney*, or one of them, (the danger of the seas only excepted), for the use of the inhabitants there, and shall not be landed or sold in any other parts whatsoever; and to return the like certificates of the landing the same there, as are herein required on the exportation of the said commodities to the *British* colonies in *America*, and within the time for that purpose herein mentioned; and so as the quantity of wheat, flour, malt, barley, bread, biscuit, and pease, which at any time or times, during the continuance of this act, shall be shipped at the said port for the said islands, or either of them, as aforesaid, do not exceed, in the whole, five thousand quarters; any thing herein contained to the contrary notwithstanding.

X. Provided also, That this act shall not extend to any wheat, barley, oats, meal, or flour, to be transported out of or from the ports of *Whitehaven* or *Liverpoole* only into the *Isle of Man*, for the only use of the inhabitants of that island, so as the exporter, before the lading of such wheat, barley, oats, meal, or flour, or laying the same on board, do become bound, with other sufficient security, in treble the value thereof, which the customer or comptroller of either of the said ports respectively hath hereby power to take, in his Majesty's name, and to his Majesty's use, for which security no fee or reward shall be given or taken, that such wheat, barley, oats, meal, or flour, shall be landed in the said *Isle of Man*, (the danger of the seas

the exportation of beans to the forts, &c. of *Africa*, or the ships trading on that coast;

nor to prohibit the *East India* company from supplying their forts, &c. with corn, grain, &c. for the support of the persons residing there.

The port of *Southampton* only may supply the islands of *Jersey*, &c. with meal, barley, &c. not exceeding 5000 quarters, the exporter becoming bound in treble the value that the commodities shall not be landed or sold at any other port; and to return the certificates of landing the same, as are required of exporters of corn, grain, &c. to the colonies in *America*.

The ports of *Whitehaven* and *Liverpoole* may supply the *Isle of Man* with wheat, barley, &c. under the foresaid regulations, not exceeding 2500 quarters.

only excepted) for the use of the inhabitants there, and shall not be landed or sold in any other parts whatsoever; and to return the like certificates of the landing the same there, as are by this act required on the exportation of the said commodities to the *British* colonies in *America*, and within the time for that purpose herein mentioned, and so as the whole quantity of wheat, barley, oats, meal, and flour, which at any time or times, during the continuance of this act, shall be shipped at both the said ports for the said *Isle of Man*, shall not exceed in the whole two thousand five hundred quarters; one moiety thereof to be exported from the said port of *Whitehaven*, and the other moiety thereof to be exported from the said port of *Liverpoole*; any thing herein contained to the contrary notwithstanding.

Merchants trading to *Africa* may transport any quantity of wheat-flour, not exceeding 200 quarters, and not exceeding 15 tons of bread and biscuit, to the *British* forts there, under the like

XI. Provided also, That nothing in this act contained shall extend to prohibit the committee of merchants trading to *Africa* from exporting, during the continuance of this act, any quantity of wheat-flour, not exceeding two hundred quarters, or any quantity of bread or biscuit, not exceeding fifteen tons in the whole of such bread or biscuit, or of such bread and biscuit together, to the *British* forts, castles, and factories in *Africa*, for the support of the persons residing there, so as the like security be given for the exporting thereof, as is herein required to be given by persons carrying the said commodities to the *British* colonies in *America*.

Commissioners of the customs to give in a full account to parliament, at the beginning of next session, of all corn, grain, &c. exported to any place, by

XII. And be it further enacted by the authority aforesaid, That the commissioners of the customs for the time being shall, and they are hereby required to give a full and true account, in writing, to both houses of parliament, at the beginning of the next session thereof, of all corn, grain, peas, beans, meal, malt, flour, bread, biscuit, and starch, that shall, before that time, be exported to any place whatsoever, by virtue or in pursuance of any of the liberties or powers hereby given or granted for that purpose.

When the certificates of landing and discharging any of the said commodities shall be returned.

XIII. And be it further enacted by the authority aforesaid, That all certificates of the landing and discharging of the said commodities to be exported, other than coastwise, shall be returned within the respective times following; (that is to say) where the bonds are taken in respect of any of the said commodities, to be exported from *Great Britain*, or *Ireland*, to any of the said colonies or plantations in *America*, within eighteen calendar months after the date of such bonds; and where to *Gibraltar* or *Minorca*, within twelve calendar months after the date of such bonds; and where to the islands of *Guernsey*, *Jersey*, *Alderney*, or *Man*, within six calendar months after the date of such bonds; and where from *Great Britain* to *Ireland*, or from *Ireland* to *Great Britain*, within six calendar months after the date of such bonds respectively.

No bounty to be given on

XIV. Provided always, and be it enacted by the authority aforesaid, that no corn, grain, peas, beans, meal, malt, flour, bread,

bread, biscuit, or starch, which shall be exported by virtue of this act, shall be intitled to any of the bounties or drawbacks which are allowed and made payable on the exportation of such commodities, or any of them.

XV. Provided always, and be it enacted, That nothing herein contained shall extend to prohibit the exportation of rice out of this kingdom.

XVI. *And whereas it is expedient that the extraction of low wines or spirits from wheat, or wheat-flour, should be prohibited for a further time;* be it therefore further enacted by the authority aforesaid, That from and after the passing of this act, no low wines or spirits whatsoever shall be made, extracted, or distilled, within this kingdom, from any wheat or wheat-flour; and if any distiller or maker of low wines or spirits, or any other person or persons whatsoever, shall make, extract, or distill, or cause or procure to be made, extracted, or distilled, any low wines or spirits from any wheat or wheat-flour, or from any grain or other material mixed with wheat, or with wheat-flour, or shall use or mix, or cause or procure to be used or mixed, any wheat or wheat-flour, or any grain or other material mixed with wheat, or with wheat-flour, in any worts or wash, in order for the making, extracting, or distilling low wines or spirits, or shall put or lay, or cause or procure to be put or laid in any tun, washbatch, cask, copper, still, or other vessel or utensil, any wheat or wheat-flour, or any grain or other material mixed with wheat, or with wheat-flour, for the purpose of preparing any worts or wash, or for making, extracting, or distilling low wines or spirits, whether such tun, washbatch, cask, copper, still, or other vessel or utensil, hath or hath not been duly entered at the excise office; that then, and in each and every of the said cases, such distiller or maker of low wines or spirits, or other person or persons acting contrary to the directions of this act, or the person or persons in whose custody or possession any such tun, washbatch, cask, copper, still, or other vessel or utensil, which shall be made use of contrary to the intention of this act, shall be found, shall respectively, for every such offence, forfeit and pay the sum of two hundred pounds; and all such wheat or wheat-flour, and such worts and wash, low wines and spirits, and all such grain, or other material with wheat or with wheat-flour, or the value thereof, shall be also forfeited.

After the passing hereof, no low wines or spirits shall be made from wheat or wheat-flour, or any material mixed with wheat, &c.

XVII. And be it further enacted by the authority aforesaid, That if any wheat or wheat-flour, or grain, or other material mixed with wheat or with wheat-flour, shall be found in any workhouse, stillhouse, storehouse, warehouse, or any other place wherein low wines or spirits, or worts, or wash, shall be made, extracted, distilled, or prepared, or where any low wines or spirits, or worts, or wash, shall have been made, extracted, distilled, or prepared, since the first day of October, one thousand seven hundred and seventy-two, all such wheat and wheat-flour, and all such grain or other material mixed with wheat

or

and the persons occupying such still-house, &c. shall forfeit 100l.

Persons authorised by the commissioners, or justices of peace, may enter any workhouses, &c. where low wines, &c. are suspected to be made since Oct. 1, 1772,

and inspect all the materials.

On suspicion of wheat or wheat flour being mixed with any other material, a sample may be taken, paying 2s. 6d.

If any distiller, &c. refuse admittance, he shall forfeit 100l.

Persons lawfully authorised by the commissioners, &c. may seize and carry away all such wheat, &c.

or with wheat-flour, shall be forfeited; and the person or persons in whose possession such workhouse, stillhouse, storehouse, warehouse, or place, shall be, shall, for every offence respectively, also forfeit and pay the sum of one hundred pounds.

XVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons, who shall be authorised for that purpose by the commissioners of excise for the time being, or any two or more of them, within the limits of the chief office of excise in *London*, or by one or more justice or justices of the peace in any other part of *Great Britain*, at any time or times, with any officer of excise, to enter into any workhouse, stillhouse, storehouse, warehouse, or any other place wherein any low wines or spirits, or worts or wash, shall be, or are suspected to be made, extracted, distilled, or prepared, or wherein low wines or spirits, or worts or wash, shall have been made, extracted, distilled, or prepared, since the first day of *October*, one thousand seven hundred and seventy-two, and shall have free admittance into the same, and may inspect all the materials, vessels, and utensils therein contained, giving thereby as little interruption as may be to the business which is carrying on; and in case any officer of excise shall have reason to suspect that any wheat, or wheat-flour, or any grain, or other material mixed with wheat, or with wheat-flour, is contained in any bag, sack, or other package, or is mixed in any worts or wash, or in any other preparation for making, extracting, or distilling, low wines or spirits, it shall and may be lawful for such officer, at any time or times during the continuance of this act, upon payment of two shillings and sixpence, to take a sample, not exceeding two quarts of any such wheat or wheat-flour, or of any such grain, or other material mixed with wheat, or with wheat-flour, or of any such worts or wash, or preparation, which shall be found in any such house or other place aforesaid; and in case any distiller or maker of low wines or spirits, or the owner or occupier of any such house or place, or any workman or servant to any such distiller, owner, or occupier belonging, shall refuse to admit such person or persons as shall be so authorised, or any officer of excise, into any such house or place, or shall obstruct or hinder any such officer, or person or persons, in making such inspection as aforesaid, or shall not allow any such officer to take such sample after the said sum of two shillings and sixpence shall be paid, or tendered for the same; such distiller, owner, or occupier shall, for every such offence respectively, forfeit and pay the sum of one hundred pounds: and it shall be lawful for any such officer of excise, or other person or persons authorised as aforesaid, having a warrant for that purpose from any two or more of the commissioners of the excise, or any justice or justices respectively, as aforesaid, to seize, take, and carry away, all such wheat and wheat-flour, and all such grain or other material mixed with wheat or with wheat-flour, as shall be found in any such house or other place, together with all the sacks,

sacks, bags, and other things, in which the said commodities shall be contained.

XIX. And be it further enacted by the authority aforesaid, That if any distiller or maker of low wines or spirits for sale or exportation shall be possessed of, or have in his, her, or their custody or possession, or in the custody or possession of any person or persons in trust, or for the use or benefit of such distiller or maker of low wines or spirits, more than five quarters of wheat or wheat-flour, at any one time, in any one or more place or places, not being a place or places for preparing, making, extracting, distilling, or keeping worts or wash, low wines or spirits; every such distiller or maker of low wines or spirits shall, for every such offence respectively, forfeit all such wheat and wheat-flour exceeding the said quantity of five quarters, and also the sum of five pounds for every quarter so forfeited.

XX. Provided always, That this act shall not extend to inflict the said last-mentioned penalty and forfeiture upon any distiller or maker of low wines or spirits, who shall be the actual grower of wheat, and shall be possessed of any quantity of such wheat grown by him or her in the straw, or after the same is threshed out or separated from the straw, provided such wheat shall not be kept in his or her possession, or in the possession of any other person or persons in trust for him or her, for a greater space of time than twenty days after the same shall be threshed or separated from the straw, and so as such wheat be not kept in any place used for making, extracting, or distilling low wines or spirits, or for preparing or keeping worts or wash.

XXI. Provided also, and be it further enacted by the authority aforesaid, That this act shall not extend to inflict the last-mentioned penalty and forfeiture upon any distiller or maker of low wines or spirits, who practises the trade of a miller, by grinding corn for hire, or who sells corn, flour, meal, or bran, as other persons following the trade of a miller usually do, and who was possessed of and worked any mill or mills for the grinding of wheat, in the course of his trade as a miller, on or before the first day of *October*, one thousand seven hundred and sixty-six, for or upon account of any quantity of wheat or wheat-flour which shall, during the continuance of this act, be found in any such mill or mills; any thing in this act contained to the contrary hereof notwithstanding.

XXII. And be it further enacted by the authority aforesaid, That in case any officer or officers of excise, or any other person or persons, shall, at any time or times, have cause to suspect that any wheat or wheat-flour, or any grain or other material mixed with wheat or with wheat-flour, in any quantity exceeding the quantity of five quarters, shall be laid or kept in any such storehouse, warehouse, granary, or other place or places as aforesaid, belonging to any distiller or maker of low wines or spirits, contrary to the true intent and meaning of this act; then, and in every such case, upon oath made by such officer or officers, or other person or persons, before the commissioners

If any distiller have more wheat than five quarters, he is to forfeit 5l. and all the overplus.

This act not to extend to distillers who are growers of wheat, provided such wheat be not in their possession above 20 days, and not kept in a place for distilling low wines.

Not to extend to a distiller who is a miller, on account of what may be found in his mill.

Officers of excise suspecting wheat, &c. above five quarters to be laid up in any storehouse belonging to a distiller,

justices may grant warrant to enter such storehouse, &c

commissioners of excise for the time being respectively, or any two or more of them, or before one or more justice or justices of the peace residing near the place where such officer or officers, or other person or persons, shall suspect the same to be laid and kept, setting forth the ground of his or their suspicion, it shall and may be lawful to and for the said commissioners, or justice or justices of the peace respectively, before whom such officer or officers, or other person or persons, shall make oath as aforesaid, (if he or they shall judge it reasonable) by special warrant under his or their respective hands and seals, to authorise and empower such officer or officers, or other person or persons authorised as aforesaid, by day or by night, (but if in the night, then in the presence of a constable, or other lawful officer of the peace) to enter into all and every storehouse, warehouse, granary, or other place or places where he or they shall suspect that any wheat or wheat-flour, exceeding the quantity of five quarters, or any grain or other material mixed with wheat or with wheat-flour in any quantity, shall be laid or kept, belonging to any such distiller or maker of low wines or spirits, and to seize, take, and carry away, all such wheat and wheat-flour over and above the said quantity of five quarters, and all such grain, or other material mixed with wheat, or with wheat-flour, as he or they shall so find together, with all the sacks, bags, or other things, wherein the same shall respectively be contained; and such distiller or maker of low wines or spirits, or the person or persons in whose custody or possession such wheat or wheat-flour, exceeding the said quantity of five quarters, belonging to such distiller, shall be found, shall, for every such offence respectively, forfeit and pay the said penalty of five pounds for every quarter exceeding the said quantity of five quarters; and such distiller or maker of low wines, or spirits, or the person or persons in whose custody or possession such grain or other material mixed with wheat, or with wheat-flour, belonging to such distiller shall be found, shall, for every such offence respectively, forfeit and lose the sum of fifty pounds; and the said officer or officers, and other person or persons, is and are hereby empowered, by such warrant, together with such other person or persons as he or they shall take to his or their assistance, to enter such storehouses, warehouses, granaries, and other place or places, and break open the doors thereof, in case they be not opened on demand.

XXIII. And be it further enacted by the authority aforesaid, That all penalties and forfeitures by this act imposed, and for the recovery and application whereof no other provision is herein-before made, shall be sued for, and recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record in *Westminster*, or in the court of exchequer in *Scotland*.

XXIV. And that the respective courts before whom the same shall be recovered may and are hereby authorised, (if they shall think fit) to mitigate all or any of the pecuniary penalties herein

and to seize and carry away all the wheat and wheat-flour, above five quarters, and the sacks, &c.

and forfeit 5l. for every quarter, over the said quantity.

Distillers who have grain or other material mixed with wheat &c shall forfeit 50l.

Officers refused admittance to storehouses, &c. may break open the doors.

How and where penalties may be recovered.

Courts may mitigate the penalties, if they see cause,

in-before inflicted to any sum not less than one fourth part of the sum herein respectively mentioned; and that one moiety of all such penalties and forfeitures, when recovered, shall be to the use of his Majesty, his heirs and successors, and the other moiety to him or them who shall sue for the same, or give information of, or discover the offence.

XXV. Provided always, That all suits, prosecutions, or informations, for offences committed against this act, shall be commenced and made within the space of six calendar months after the fact is committed, and not otherways; any thing herein contained to the contrary notwithstanding.

XXVI. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons, for any thing done in pursuance of this act, such action or suit shall be commenced within the space of four calendar months next after the offence shall be committed: and if any such action or suit shall be commenced or prosecuted in that part of *Great Britain* called *England*, the defendant or defendants in any such action or suit may plead the general issue, and give this act, and the special matter, in evidence, at any trial to be had thereupon; and that the same was done in pursuance, and by the authority of this act: and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared, or if judgement shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendants hath or have in other cases by law: and if such action or suit be commenced or prosecuted in that part of *Great Britain* called *Scotland*, the court before whom such action or suit shall be brought shall allow the defendant to plead this act on his defence; and if the pursuer shall not insist on his action, or if judgement shall be given against such pursuer, the defendant shall and may recover the full and real expences he may have been put to by any such action or suit.

XXVII. And be it further enacted by the authority aforesaid, That this act shall continue until the first day of *January*, one thousand seven hundred and seventy-four.

XXVIII. Provided nevertheless, That the said continuation may be abridged or shortened, and this act, or any part thereof, may be altered and varied by any other act or acts to be made in this present session of parliament.

C A P. IV.

An act to continue for a further time, an act made in the eighth year of his present Majesty's reign, intituled, An act to continue and amend an act, made in the fifth year of the reign of his present Majesty, intituled, An act for importation of salted beef, pork, bacon, and butter, from Ireland, for a limited time, and for allowing the importation of salted beef, pork, bacon and butter, from the British dominions in America, for a limited time.

Preamble.

Act 5 Geo. III.

Act 8 Geo. III.

and Acts 9,
10, 11, & 12
Geo. III.

further con-
tinued till
March 1, 1774.

WHEREAS an act was made in the fifth year of his present Majesty's reign, intituled, An act for importation of salted beef, pork, bacon, and butter, from Ireland, for a limited time: And whereas an act was made in the eighth year of his present Majesty's reign, to continue and amend the said first-mentioned act, and for allowing the importation of salted beef, pork, bacon, and butter, from the British dominions in America, for a limited time: And whereas by four acts, made in the ninth, tenth, eleventh, and twelfth years of the reign of his present Majesty, the said last-mentioned act was continued until the first day of March, one thousand seven hundred and seventy-three: And whereas it is expedient that the importation of the said goods and commodities should be allowed for a longer time; May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act, made in the eighth year of his present Majesty's reign, intituled, *An act to continue and amend an act made in the fifth year of the reign of his present Majesty, intituled, An act for importation of salted beef, pork, bacon, and butter, from Ireland, for a limited time, and for allowing the importation of salted beef, pork, bacon, and butter, from the British dominions in America, for a limited time*, shall continue and be in full force and effect, until the first day of March, one thousand seven hundred and seventy-four.

C A P. V.

An act to continue, for a further time, an act made in the seventh year of his present Majesty's reign, intituled, An act to discontinue, for a limited time, the duties payable upon the importation of tallow, hogs-lard, and grease; and to permit the importation of salted beef, pork, bacon, hams, and cheese, into this kingdom, from any part of Europe, for a limited time, free of duty.

Preamble.

Act 7 Geo. III.

WHEREAS an act of parliament passed in the seventh year of the reign of his present Majesty, intituled, An act to discontinue, for a limited time, the duties payable upon the importation of tallow, hogs-lard, and grease: and whereas an act

was made in the tenth year of his present Majesty's reign, to continue the said act until the twenty-fifth day of March, one thousand seven hundred and seventy-three: And whereas the allowing the importation of tallow, hogs-lard, and grease, for a further time, may be of great advantage: May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act of the seventh year of his present Majesty's reign, and all and every the clauses, provisions, penalties, forfeitures, allowances, matters, and things therein contained, shall be further continued, from the expiration thereof, until the twenty-fifth day of March, one thousand seven hundred and seventy-six, as fully and effectually, to all intents and purposes, as if the same were inserted and re-enacted in the body of this present act.

Act 10 Geo. III.

further continued until
March 25,
1776.

II. *And whereas the free importation of salted beef, pork, bacon, hams, and cheese, from any part of Europe, for a limited time, may be of great advantage; be it enacted, That, from and after the passing of this act, the importation of salted beef, pork, bacon, hams, and cheese, from any part of Europe into Great Britain, be admitted free of duty, until the first day of January, one thousand seven hundred and seventy-four; and that all the clauses, provisions, penalties, forfeitures, allowances, matters, and things, contained in the said act of the seventh year of his present Majesty's reign, shall extend, and be construed to extend, to the importation of salted beef, pork, bacon, hams, and cheese.*

After the passing hereof, salted beef, pork, bacon, hams, and cheese, from any part of Europe, shall be admitted duty free till January 1, 1774.

C A P. VI.

An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and seventy-three.

C A P. VII.

An act for allowing the free importation of rice into this kingdom, from any of his Majesty's colonies in America, for a limited time; and for encouraging the making of starch from rice.

WHEREAS the allowing the free importation of rice, from any of his Majesty's colonies in America into Great Britain

for a limited time, is, and will be, of great advantage, and may be a means of encouraging the making of starch from rice: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for any person or persons to import into Great Britain, from any of his Majesty's colonies in

Preamble.

After the passing hereof, rice may be imported into Britain from America.

America,

at any time before May 1, 1780, without payment of duty.

All such rice being afterwards exported, to pay to his Majesty, &c. a subsidy of 6d. in the pound, as by Act 12 Car. II.

The duties to be paid into the receipt of exchequer.

After the passing hereof, all persons may make starch of rice, William Prince's letters patent notwithstanding.

America, at any time or times before the first day of *May*, one thousand seven hundred and eighty, any rice, without the payment of any subsidy, custom, duty, or imposition whatsoever; any thing in any former act or acts of parliament to the contrary thereof in any wise notwithstanding.

II. And be it further enacted by the authority aforesaid, That for and upon all rice which shall be imported into this kingdom duty-free, by virtue of this act, and which shall be again exported thereout, there shall be paid and answered to his Majesty, his heirs and successors, a subsidy of poundage of sixpence in the pound, according to the value or rate set upon rice imported, in the book of rates referred to by the act of the twelfth year of king *Charles* the second; which said subsidy of sixpence in the pound, upon such rice so exported, shall be raised, levied, collected, and recovered, by such ways and means, and under such rules, regulations, penalties, and forfeitures, as the subsidy or poundage for any goods or merchandise exported from *Great Britain*, may be raised, levied, collected, or recovered, by any act of parliament now in force, as fully and effectually, to all intents and purposes, as if the several clauses, powers, directions, penalties, and forfeitures, relating thereto, were particularly repeated and again enacted in the body of this present act.

III. And be it further enacted by the authority aforesaid, That the said duties, granted by this act upon rice exported, shall (the necessary charges of management excepted) be paid into the receipt of his Majesty's exchequer, and be there reserved for the disposition of parliament.

IV. *And whereas William Prince is intitled, under certain letters patent, granted to him some time in the year one thousand seven hundred and sixty-eight, to the sole and exclusive right of making starch from rice for the term of fourteen years, commencing from the date thereof; and the said William Prince hath consented to waive all benefit, under the said letters patent, for the general advantage of the starch manufactory; be it further enacted by the authority aforesaid, That, from and after passing of this act, it shall and may be lawful for any person or persons whomsoever to make starch of rice, the said letters patent, or other matter or thing to the contrary notwithstanding.*

C A P. VIII.

An act for granting an aid to his Majesty by a land-tax, to be raised in *Great Britain*, for the service of the year one thousand seven hundred and seventy-three, at three shillings in the pound.

C A P. IX.

An act to restrain the East-India Company, for a limited time, from making any appointment of commissioners for superintending and regulating the Company's affairs, at their presidencies in the East-Indies.

Preamble.

WHEREAS the united company of merchants of England trading to the East-Indies have named commissioners, to be appointed with extraordinary powers for superintending and regulating

ing the company's affairs at their presidencies in the East-Indies : And whereas, in the present situation of the said company, and while their affairs are actually, at this time, under the immediate consideration of parliament, it is highly inexpedient that any great and important alteration should be made, and that at a very great expence, in the method of conducting and managing the business and affairs of the said company in India : be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That, during the space of six calendar months, to be computed from the seventh day of December, one thousand seven hundred and seventy-two, it shall not be lawful for the united company of merchants of England trading to the East Indies, or for any person or persons on their behalf, to make any appointment of commissioners, or for superintending and regulating the business and affairs of the said company in India, or to make any commission or grant whatsoever, whereby any extraordinary and unusual powers may be vested in any person or persons, for the purpose of managing the business and affairs aforesaid ; but that, if any such appointment, commission, or grant, shall be made within the time aforesaid, the same shall be absolutely null and void, unless by some act of parliament, to be made in this present session, permission shall be given to the said company to make such appointment, commission, or grant, within the time aforesaid ; in which case, from and immediately after the expiration of the time which shall be limited by such act, it shall be lawful for the said company to proceed in such manner, with relation to the appointment of their officers, agents, and servants, in all respects, as they might have done if this act had never passed.

After Dec. 7. 1772, the East-India company not to grant commission for superintending their business in India,

unless some act be made for that purpose.

C A P. X.

An act for punishing mutiny and desertion ; and for the better payment of the army and their quarters.

C A P. XI.

An act for the regulation of his Majesty's marine forces, while on shore.

C A P. XII.

An act to indemnify such persons as have omitted to qualify themselves for offices and employments within the time limited by law, and for giving further time for that purpose ; and to give further time to such persons as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and solicitors.

WHEREAS divers persons, who, on account of their offices, places, employments, or professions, or any other cause or occasion, ought to have taken and subscribed the oaths, or the assurance, respectively appointed to be by such persons taken and subscribed,

Persons who
have omitted
to take the
Oaths ap-
pointed by
Act. 1. Geo. 1.

ed, in and by an act, made in the first year of the reign of his late Majesty king George the first, of glorious memory, (intituled, An act for the further security of his Majesty's person and govern- ment, and the succession of the crown in the heirs of the late

Act 13 Car. 2.

princes Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, and his open and se- cret abettors;) or to have qualified themselves according to an act, made in the thirteenth year of the reign of king Charles the second, (intituled, An act for the well-governing and regulating corpo- rations;) or to have qualified themselves according to another act,

Act 25 Car. 2.

made in the twenty-fifth year of the reign of king Charles the second, (intituled, An act for preventing the dangers which may hap- pen from popish recusants, by receiving the sacrament of the Lord's Supper according to the usage of the church of England, and making and subscribing the declaration against transubstan- tiation therein mentioned;) or according to another act, made in

30 Car. 2.

the thirtieth year of the reign of king Charles the second, (inti- tuled, An act for the more effectual preserving the King's per- son and government, by disabling papists from sitting in either

8 Geo. 1.

house of parliament;) or according to another act, made in the eighth year of the reign of his late Majesty king George the first, (intituled, An act for granting the people called quakers such

9 Geo. 2.

forms of affirmation or declaration as may remove the difficul- ties which many of them lie under;) or according to another act, made in the ninth year of the reign of his late Majesty king George the second, (intituled, An act for indemnifying persons who have omitted to qualify themselves for offices within the time limited by law, and for allowing further time for that purpose; and for amending so much of an act, passed in the second year of the reign of his present Majesty, as requires persons to qualify them- selves for offices before the end of the next term or quarter- sessi- ons; and also for enlarging the time limited by law for making and subscribing the declaration against transubstantiation; and for allowing a further time for inrolment of deeds and wills made by papists; and for relief of protestant purchasers, devisees, and

18 Geo. 2.

lessees;) or according to another act, made in the eighteenth year of the reign of his late Majesty king George the second, (intituled, An act to amend and render more effectual an act passed in the fifth year of his present Majesty's reign, intituled, An act for the further qualification of justices of the peace;) or according to another

and act 6.

Geo. 3.

act, made in the sixth year of the reign of his present Majesty, (intituled, An act for altering the oath of abjuration, and the assurance; and for amending so much of an act, made in the seventh year of her late Majesty queen Anne, intituled, An act for the im- provement of the union of the two kingdoms, as, after the time therein limited, required the delivery of certain lists and co- pies therein mentioned to persons indicted of high treason, or misprision of treason,) have, through ignorance of the law, ab- sence, or some unavoidable accident, omitted to take and subscribe the said oaths and assurance, and make and subscribe the declaration re- quired by law, or otherwise to qualify themselves, as aforesaid,

within

within such time, and in such manner, as in and by the said acts respectively, or by any other act of parliament in that behalf made, is required, whereby they have incurred, or may be in danger of incurring, divers penalties and disabilities: for quieting the minds of his Majesty's subjects, and for preventing any inconveniences that might otherwise happen by means of such omissions; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every person or persons who, at or before the passing of this act, hath or shall have omitted to take and subscribe the said oaths and declarations, or to receive the sacrament of the Lord's supper, or otherwise to qualify him, her, or themselves, within such time, and in such manner, as in and by the said acts, or any of them, or by any other act of parliament in that behalf made is required; and who, after accepting any such office, place, or employment, or undertaking any profession or thing on account of which such qualification ought to have been had, and is required, before the passing of this act, hath or have taken and subscribed the said oaths, or made the declarations required by law, and also received the sacrament of the Lord's supper according to the usage of the church of *England*, or who, on or before the twenty-fifth day of *December*, one thousand seven hundred and seventy-three, shall take and subscribe the said oaths, declarations, and assurance respectively, in such cases wherein by law the said oaths, declarations, and assurance, ought to have been taken or subscribed, in such manner and form, and at or in such place or places, as are appointed in and by the said act, made in the first year of the reign of his said late Majesty king *George* the first, or by any other act or acts of parliament in that behalf made and provided, and also hath or have received, or shall, on or before the said twenty-fifth day of *December*, one thousand seven hundred and seventy-three, receive the sacrament of the Lord's supper according to the usage of the church of *England*, in such cases wherein the said sacrament ought to have been received, and hath or have made and subscribed, or shall, on or before the said twenty-fifth day of *December*, one thousand seven hundred and seventy-three, make and subscribe the said declaration against transubstantiation, and also hath or have made and subscribed, or shall, on or before the said twenty-fifth day of *December*, one thousand seven hundred and seventy-three, make and subscribe the said declaration, in the said statute made in the thirtieth year of king *Charles* the second, in such cases wherein the said declarations ought to have been made and subscribed, and take and subscribe the oath directed by the said act, made in the eighteenth year of the reign of his late Majesty king *George* the second, in such cases wherein the said oath ought to have been taken and subscribed, in such manner as by the said act is directed, shall be, and are hereby indemnified, freed, and discharged, from and against all penalties, forfeitures, ^{indemnified against for-}

nalties, forfeitures, incapacities, and disabilities incurred, or to be incurred, for or by reason of any neglect or omission, previous to the passing of this act, or taking or subscribing the said oaths or assurance, or receiving the sacrament, or making or subscribing the said declarations, or taking or subscribing the said oath, according to the above-mentioned acts, or any of them, or any act or acts; and such person and persons is and are, and shall be fully and actually re-capacitated and restored to the same state and condition, as he, she, or they were in before such neglect or omission, and shall be deemed and adjudged to have duly qualified him, her, or themselves, according to the above-mentioned acts, and every of them: and that all elections of, and acts done, or to be done, by any such person or persons, or by authority derived from him, her, or them, are and shall be of the same force and validity, as the same or any of them would have been if such person or persons respectively had taken the said oaths or assurance, and received the sacrament of the Lord's supper, and made and subscribed the said declarations, and taken and subscribed the said oath, according to the direction of the said acts, and every or any of them; and that the qualification of such person or persons, qualifying themselves in manner, and within the time appointed by this act, shall be, to all intents and purposes, as effectual as if such person or persons had respectively taken the said oaths and assurance, and received the sacrament, and made and subscribed the said declaration, and taken and subscribed the said oath, within the time, and in the manner appointed by the several acts before mentioned.

Not to extend
to restore Per-
sons to any
office avoided
by judgment.

II. Provided always, That this act, or any thing herein contained, shall not extend, or be construed to extend, to restore or intitle any person or persons to any office or employment, benefice, matter, or thing whatsoever, already actually avoided by judgment of any of his Majesty's courts of record, or already legally filled up and enjoyed by any other person; but that such office, employment, benefice, matter, or thing so avoided, or legally filled up and enjoyed, shall be and remain in and to the person or persons who is or are now, or shall, at the passing of this act, be legally intitled to the same, as if this act had never been made.

Persons who
shall cause af-
fidavits to be
filed, before
Michaelmas
1773.

III. *And whereas many persons have omitted to cause affidavits to be made, and afterwards to be filed in the proper office, of the actual execution of several contracts in writing entered into by them to serve as clerks to attornies or solicitors, within the time in which the same ought to have been done, and many infants, and others, may thereby incur certain disabilities; for preventing thereof, and relieving such persons, be it enacted by the authority aforesaid, That every person who, at the passing of this act, shall have neglected or omitted to cause any such affidavit or affidavits as aforesaid to be made and filed, and who, on or before the first day Michaelmas term, one thousand seven hundred and seventy-three, shall cause one or more affidavit or affidavits to be made, and afterwards*

wards to be filed, in such manner as the same ought to have been made and filed in due time, shall be, and is hereby indemnified, freed, and discharged, from and against all penalties, forfeitures, incapacities, and disabilities, in or by any act or acts of parliament mentioned and incurred, or to be incurred, for or by reason of such neglect or omission; and every such affidavit and affidavits so to be made, and which shall be duly filed on or before the said first day of *Michaelmas* term, one thousand seven hundred and seventy-three, shall be as effectual, to all intents and purposes, as if the same had been made and filed within the respective times the same ought, by the laws now in being for that purpose, to have been made and filed.

are indemnified, and discharged from penalties.

C A P. XIII.

An act to enable certain persons therein named to continue to work a pestle-mill, heretofore employed and used in making battle gunpowder, at Old Forge Farm, in the parish of Tonbridge, in the county of Kent.

WHEREAS by an act, passed in the twelfth year of the reign of his present Majesty, (intituled, An act to regulate the making, keeping, and carriage, of gunpowder, within Great Britain; and to repeal the laws heretofore made for any of those purposes,) it was enacted, That no person or persons whatsoever should for the making of gunpowder, employ, work, or use, any mill or engine, worked with a pestle or pestles, and commonly called a Pestle-mill; with an exception, that nothing in that act should extend, or be construed to extend, to the powder mills at that time erected in the parishes of Battle, Crowhurst, Seddlescomb, and Brede, in the county of Sussex, so far as the same related to the making such fine fowling gunpowder only as is known and distinguished by the name of Battle-Powder: And whereas Thomas Hooker, of Tonbridge, in the county of Kent, esquire, Thomas Swayne, of the same place, gentleman, and William Moon of Tonbridge Wells, in the said county, carpenter, were, before the passing of the said act, possessed of a certain gunpowder mill, situate at Old Forge Farm, in the parish of Tonbridge aforesaid, which was then and always had been worked with pestles, and used and employed in making such fine fowling gunpowder, and no other: may it therefore please your Majesty, That it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That nothing in the said act contained, so far as the same relates to the use of pestles, shall extend, or be construed to extend, to the said mill so situate at Old Forge Farm as aforesaid; but that they the said Thomas Hooker, Thomas Swayne and William Moon, their heirs, executors, administrators, and assigns, shall and may continue to work such mill with pestles, so long only as the said mill shall be used and employed for the sole purpose of making such fine fowling gunpowder

Mill at Old Forge Farm, in the parish of Tonbridge, to be continued working.

powder only, as is known and distinguished by the name of *Battle Gunpowder*.

Act not to extend to any other mill.

II. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to any other gunpowder mill that may or shall have been erected or built since the passing of the said act, or that shall or may hereafter be erected or built, but to such mill only so built and used at *Old Forge Farm* aforesaid, before the passing of the said act.

C A P. XIV.

An act to encourage the subjects of foreign states to lend money upon the security of freehold or leasehold estates, in any of his Majesty's colonies in the West Indies; and to render the securities granted to such aliens effectual for recovering payment of the money so to be lent, by sale of such freehold or leasehold estates.

Preamble.

WHEREAS the cultivation and improvement of estates in his Majesty's colonies in the West Indies, and the erecting of sugar works and other necessary buildings thereon, are attended with great expence; and the proprietors of such estates are often obliged to borrow large sums of money for these purposes, upon the credit of such estates: and whereas it has been found difficult to procure sufficient loans from the subjects of this kingdom, and it would tend greatly to the improvement of such estates, and to the publick benefit, if money could be borrowed at a reasonable rate of interest, from the subjects of foreign states, for the purposes aforesaid; but doubts have arisen, whether, as the law now stands, any security, in the nature of a mortgage granted to a foreigner, or alien, or to any person in trust for him, can be made effectual against such estates, for recovering the money lent thereon: and whereas no foreigner or alien, as the law now stands, can bring or prosecute any suit, for the recovery of money, in any court of law or equity within his Majesty's dominions, at a time when the state, of which such alien is a natural-born subject, is at war with this kingdom: in order to remove such doubts, and to encourage foreigners, or aliens, to lend money upon the security of such estates; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, it shall and may be lawful to and for all and every person and persons, being foreigners, or aliens, to lend money, at a rate of interest not exceeding five pounds *per centum per annum*, upon the security of any freehold or leasehold estate, in any of his Majesty's colonies in the *West Indies*, and to hold the same as an effectual security for the money lent, and to prosecute any suit or suits for recovering the same, as herein-after mentioned, whether the foreign state, of which such alien is a natural-born subject, be at war with this kingdom or not.

After the passing of this act, foreigners may lend money at interest, not exceeding 5l. per. cent. on the security of freehold estates in the West Indies.

II. And

II. And be it enacted by the authority aforesaid, That in In case of
 case of non-payment of the money lent upon any such security, non-payment,
 at the time therein stipulated and agreed upon; it shall and suits may be
 may be lawful to and for all and every such foreigners, or brought at
 aliens, to bring and prosecute, by themselves or their lawful common law,
 attorneys respectively, any suit or suits at common law for the recovery
 recovery of their demands, on any bond, or other collateral of demands;
 security, given or entered into, or on any covenant on the part
 of the borrower, contained in any such mortgage, deed, or
 deeds; and also his, her, or their bill or bills in the court of or in the court
 chancery of the colony, where the estate, on which such secu- of chancery
 rity shall have been granted, lies, praying a decree of sale for the colony;
 of the said mortgaged premises, for payment of the debt due there-
 on; in which said suit or suits the plaintiff or plaintiffs shall be and the plain-
 intitled to like remedy and remedies, for recovery of his debt tiff be intitled
 and costs due, as any *British* subject now may or can have; to the like
 except the being intitled to have or obtain, directly or indirect- remedy for
 ly, the actual possession of any such mortgaged premises, by any recovery, as
 process of execution whatsoever at the common law; or to British sub-
 foreclose the equity of redemption of such mortgaged premises jects.
 by any decree or order of any court of equity whatsoever.

III. And be it enacted by the authority aforesaid, That the Court of chan-
 said court of chancery, where such bill or bills shall be brought, cery to order
 may and shall direct and order the sale of such mortgaged the sale of
 premises, in the same manner as in cases where the mortgager mortgaged
 hath consented to a sale of the same; any law, usage, or prac- premises as in
 tice to the contrary thereof in any-wise notwithstanding. cases where
 the mortgager
 hath consent-
 ed to a sale.

IV. And whereas upon bills brought for the redemption of such Inconvenien-
 mortgages, inconveniencies may arise from the want of means to com- cies arising
 pel such foreigners, or aliens, or their representatives, to appear to from the want
 such bills, who may reside out of the jurisdiction of the court where of means to
 such bills may be brought; be it enacted by the authority afore- compel fo-
 said, That, in all such cases, service of any writ or process re- reigners to
 such court, upon the known attorney or agent of such foreigners appear to such
 or aliens residing within the jurisdiction of the said court respec- bills, how to
 tively, shall be deemed good service of such writ or process be prevented.
 upon any such foreigner or alien: and in case the defendant or
 defendants shall be absent, and have no such attorney or agent
 resident within the jurisdiction of the court, upon affidavit
 thereof made by the person or persons seeking such relief, or by
 his, her, or their attorney, duly constituted to the satisfaction of
 the court out of which such writ or process shall issue, (in
 which affidavit shall be expressed the place of residence of such
 foreigner, according to the best of the deponent's information
 and belief,) it shall be lawful for such court to issue a commis-
 sion under seal to commissioners therein to be named, authori-
 sing such commissioners to take affidavit of the service of such
 writ or process on the defendant or defendants personally, or
 his, her, or their usual place of residence, and to certify the
 same; and such affidavit, returned with such commission into
 the said court, shall be competent evidence of the service of such

writ or process; any law, custom, or usage to the contrary in any-wise notwithstanding: and if the defendant or defendants shall not, within six months after service of the said writ or process, upon the attorney or agent in the colony, or upon the defendant or defendants abroad, appear to the said bill, either in person, or by some attorney or attorneys for that purpose, lawfully to be appointed under hand and seal, or according to the usage of the country to which the defendant belongs; then, and in such case, the court of chancery in which such suit shall be brought is hereby authorized and required to take the bill *pro confesso*, and to order and decree an account to be taken, by one of the masters of the said court, of what is due to the defendant or defendants for principal and interest, and also for costs, if any; in taking of which account, the complainant or complainants shall be obliged to shew or produce, before the master, proper vouchers for all credits that he, she, or they shall claim: and the said court is hereby further authorized, on the coming in of the master's report, to make a final decree, appointing a time and place for payment of the sum, which, by such report, shall appear to be due to the defendant or defendants, together with interest on the said principal sum, until tendered as herein-after mentioned, and adjudging a redemption of the mortgaged premises, upon the payment of the said principal and interest, and costs, if any, either to the defendant or defendants, or to his, her, or their lawful attorney or attorneys, to be constituted as aforesaid, or into the bank of *England*, as herein-after prescribed.

Court of chancery may on the coming in of the master's report, make a final decree for payment.

Mortgagees refusing to receive the sum tendered, the mortgager is to pay the same into the bank of *England*.

pu-fuant to act 12 Geo. 1.

and according to the general rules of court, and act 12 Geo. 2.

V. And be it further enacted, That, after a time and place for redemption of any such mortgage, and the sum of money to be paid for such redemption shall be ascertained by the said court, according to the usual course of proceeding in cases of redemption of mortgages, if the sum of money so to be paid shall be then and there lawfully tendered, and if such mortgagee or mortgagees, or his or their representative or representatives, attorney or attorneys, shall refuse to receive the same, or shall not attend for that purpose; then, and in either of such cases, it shall be lawful for the mortgager or mortgagers, or his or their legal representative or representatives, or his, her, or their attorney or attorneys, to pay such sum of money into the bank of *England*, in the name, and with the privity of the accountant-general of the high court of chancery of *England*, to be placed to his account there *ex parte*, the mortgager or mortgagers, or his or their representative or representatives, pursuant to the method prescribed by the act of the twelfth year of the reign of his late majesty King George the First, (intituled, *An act for better securing the moneys and effects of the suitors of the court of chancery, and to prevent the counterfeiting of East India bonds and indorsements thereon, as likewise indorsements on South Sea bonds*), and the general rules and orders of the said court, and without fee or reward, according to the act of the twelfth year of the reign of his late majesty King George the Second, (intituled,

An act to empower the high court of chancery to lay out, upon proper securities, any moneys not exceeding a sum therein limited, out of the common and general cash in the bank of England belonging to the suitors of the said court, for the ease of the said suitors, by applying the interest arising therefrom for answering the charges of the office of the accountant-general of the said court,) there to remain for the benefit of the mortgagee or mortgagees, their executors, administrators, or assigns, and to be laid out on government or parliamentary securities, as herein-after mentioned, until he, she, or they shall, upon a petition to be preferred to the high court of chancery, in a summary way, at his, her, or their expence, obtain an order of that court for the payment thereof, and of all interest, profits, and dividends arising therefrom.

VI. And it is hereby further enacted by the authority aforesaid, That a certificate or certificates of the accountant-general, under his hand, (which he is hereby directed to give without fee or reward, as well to the mortgager or mortgagers, his, her, or their heirs, as to the mortgagee or mortgagees, his, her, or their executors, administrators, or assigns, upon application made to him for that purpose,) that the mortgager or mortgagers, or his, her, or their heirs or representatives, attorney or attorneys, have paid such sum into the bank of *England*, shall be a good and effectual discharge to the mortgager or mortgagers, or his, her, or their heirs; and that after such certificate shall be so given, the mortgager or mortgagers, his, her, or their heirs or assigns, and all and every other person and persons who shall or may be surety or sureties for the payment of the sum originally lent, or the interest thereof, shall be, and are hereby absolutely, acquitted, released, and discharged of and from the same; and that the legal estate, and all other the interest of the mortgagee or mortgagees, or of his, her, or their representative or representatives, in the mortgaged premises, shall be, and is hereby declared to be, from and after the granting such certificate or certificates, revested in the mortgager or mortgagers, or his, her, or their heirs respectively, or in whom he, she, or they shall respectively appoint.

VII. And be it further enacted by the authority aforesaid, That, in the mean time, and until the mortgagee or mortgagees, or his, her, or their legal representative or representatives, shall apply by petition to the high court of chancery, for an order to receive the said sum, the said accountant-general shall, and he is hereby directed and empowered to place out the same on government or parliamentary securities; and shall pay the interest, dividends, or profits therefrom arising, from time to time, as the same shall become due and payable, unto the person or persons who shall be intitled to the sum so paid into the said bank.

VIII. And be it further enacted by the authority aforesaid, That the said high court of chancery shall, and is hereby required and authorised to make an order for the payment of the sum that shall be so paid into the said bank as aforesaid, and of all

for the benefit
of the mort-
gagees.

A certificate
of the ac-
countant-ge-
neral for the
payment, to
be an effectual
discharge to
the mortga-
ger.

Before appli-
cation to
chancery for
an order to
receive the
sum, the ac-
countant is
to place it out
on govern-
ment security.

Court of
chancery to
order pay-
ment of mo-
ney paid into
all

the bank, &c. on application in a summary way by the mortgagee.

all dividends, profits, and interest therefrom arising, to the person or persons intitled thereto, upon an application made to the said court by petition, in a summary way, by the mortgagee or mortgagees, his, her, or their executors, administrators or assigns; on hearing of which petition it shall be sufficient for the petitioner or petitioners to prove, to the satisfaction of the court, that he, she, or they, is or are the person or persons for whose use or benefit the money was so paid into the said bank, or that he, she, or they, are the legal representative or representatives of such person or persons, without requiring any of the proceedings in the court of chancery of the colony in the cause to be transmitted hither; and upon producing such order to the accountant-general, the money shall be paid to the person specified in such order, or to his, her, or their lawful attorney or attorneys, without fee or reward.

Publick act.

IX. And be it enacted by the authority aforesaid, That this act shall be deemed, adjudged, and taken to be a publick act; and shall be judicially taken notice of as such by all judges, justices, and other persons whomsoever, without being specially pleaded.

C A P. XV.

An act for paving, cleansing, and lighting the High Street, East Street, and West Street, in the town and parishes of Gravesend and Milton, in the county of Kent; and for lighting the other streets; and for removing all incroachments and annoyances within the said town and parishes.

C A P. XVI.

An act for taking down the shire hall of the county of Devon, and for building a new shire hall in a more commodious manner.

C A P. XVII.

An act for making the exemplification of the last will and testament of William earl of Blesington, in the kingdom of Ireland, deceased, evidence as well in Ireland as in Great Britain.

C A P. XVIII.

An act to repeal an act, passed in the ninth year of the reign of his present Majesty, intituled, An act for the more effectual relief of the poor in the county of Devon; and for other purposes therein mentioned.

C A P. XIX.

An act to amend and render more effectual an act passed in the twenty-second year of the reign of his late majesty King George the Second, intituled, An act for draining and improving certain fen lands within the manor and parishes of Upwell and Outwell, and in the parishes of Denver and Welney, in the Isle of Ely, and counties of Cambridge and Norfolk, so far as the same relates to the lands lying on the south side of Popham's Eau.

Preamble. Act 22 Geo. 2. A tax to be laid by the commissioners appointed by the former act, not exceeding 1s per Acre. Commissioners to determine differences between landlords and tenants. Upon nonpayment of tax, and notice given, the same to be levied by distress and sale. Penalty on nonpayment. Land and stock to remain security for the payment of taxes. Commissioners may borrow money. Application of money. Taxes chargeable with payment of money borrowed. Assignments may be transferred. Transfers to be entered in books. Clause to compel

pel owners to scour dikes, &c. Penalty on neglect. Persons making watering-places in mill drains, or drawing carriages on the banks, shall forfeit 40s. Persons erecting buildings, or planting trees near any mill to forfeit, for every house or building 40l.; for every tree, 1s.; for every holt, 5l. Commissioners may make allowance for catching vermin. Qualification of commissioners. No order to be revoked, but by a greater number than made it, nor without notice. Not to prejudice William Barnes in maintaining his banks. Limitation of actions. General issue. Treble costs. Expences of meetings not to exceed 20s. Rights of the conservators of Bedford Level saved, as by 15 Car. 2. Publick act.

C A P. XX.

An act to amend and render more effectual an act, made in the thirty-third year of the reign of his late majesty King George the Second, intituled, An act for draining and preserving certain fen lands and low grounds in the Isle of Ely, and counties of Suffolk and Norfolk, between Mildenhall river, south, Plant Load and Brandon river, north, bounded on the west by the river Ouse, and on the east by Winter Load, Earſwell brook, and the hard lands of Mildenhall; and for empowering the governor, bailiffs, and commonalty of the company of conservators of the great level of the fens, commonly called Bedford Level, to sell certain fen lands lying within the limits aforesaid, commonly called invested lands; so far as the same relates to the several fen lands and low grounds lying in the first district described in the said act.

Preamble. Act 33 Geo. 2. A further tax to be laid. No further sum to be borrowed during the continuance of the additional tax, except on emergency. Commissioners may suspend the additional tax if monies due shall be reduced to 6000l. Additional tax to be paid in moieties by landlord and tenant. Penalty for destroying the banks by burning lands, to be levied by distress and sale; or offenders may be committed. Owners and occupiers to repair, and scour, ditches and tunnels. Penalty on neglect, is 3d. per rod. Owners of mills restrained from throwing water upon the lands of other persons. Acting commissioners are to prevent any injury from private drainage. River banks not to be cut but under the inspection of the commissioner's officers. Nothing contained to prevent Mr Jones from imbanking and separately draining his lands. Limitation for the digging of turf. The time of paying the taxes to be appointed by commissioners. Penalty, in case of nonpayment, is 3s. 4d. for every 20s. due. Commissioners may sell lands for payment of taxes. Commissioners to give notice to owners of lands to be sold; and also notice of sale. Proviso. Taxes to be levied on goods of persons driving their cattle off their lands chargeable with the taxes. Lands to be rated to the poor's rates, according to reduced rent. The south bank of Brandon river, and the west bank of Lakenheath Load, how to be repaired. Commissioners empowered to erect turnpikes, and take tolls to repair the banks. Tolls vested in the commissioners. Penalty on persons refusing to pay tolls. Penalty on taking off horses to avoid the tolls. Commissioners to erect a toll house for maintaining certain banks. Proviso. No toll on horses haling boats with materials for repair of banks, &c. Appeal may be made to the quarter sessions. Justices determination not removeable by *Certiorari*. Rights of the conservators of Bedford Level saved, as by 15 Car. 2. Limitation of actions. General issue. Treble costs. Publick act.

C A P. XXI.

An act to extend the provisions of an act, made in the fourth year of the reign of his late majesty King George the Second, intituled, An act to explain a clause in an act, made in the seventh year of the reign of her late majesty Queen Anne, for naturalizing foreign protestants, which relates to the children of the natural-born subjects of the crown of England, or of Great Britain, to the children of such children.

Preamble.

WHEREAS divers natural-born subjects of Great Britain, who profess and exercise the protestant religion, through various lawful causes, especially for the better carrying on of commerce, have been, and are, obliged to reside in several trading cities, and other foreign places, where they have contracted marriages, and brought up families: and whereas it is equally just and expedient that the kingdom should not be deprived of such subjects, nor lose the benefit of the wealth that they have acquired; and therefore that not only the children of such natural-born subjects, but their children also, should continue under the allegiance of his Majesty, and be intituled to come into this kingdom, and to bring hither and realize, or otherwise employ, their capital; but no provision hath hitherto been made to extend farther than to the children born out of the ligeance of his Majesty, whose fathers were natural-born subjects of the crown of England, or of Great Britain: may it therefore please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all persons born, or who hereafter shall be born, out of the ligeance of the crown of England, or of Great Britain, whose fathers were or shall be, by virtue of a statute made in the fourth year of King George the Second, to explain a clause in an act made in the seventh year of the reign of her majesty Queen Anne, for naturalizing foreign protestants, which relates to the natural-born subjects of the crown of England, or of Great Britain, intituled to all the rights and privileges of natural-born subjects of the crown of England, or of Great Britain, shall and may be adjudged and taken to be, and are hereby declared and enacted to be, natural-born subjects of the crown of Great Britain, to all intents, constructions, and purposes whatsoever, as if he and they had been and were born in this kingdom; any thing contained in an act of the twelfth year of the reign of King William the third, intituled, *An act for the further limitation of the crown, and better securing the rights and liberties of the subject*, to the contrary in any wise notwithstanding.

Provisoos, &c.
of 4 Geo. 2.
not repealed
by this act.

II. Provided always, and be it enacted and declared by the authority aforesaid, That nothing in this present act contained shall extend, or be construed, adjudged, or taken to extend, to make

make any persons born, or to be born, out of the ligeance of the crown of *England*, or of the crown of *Great Britain*, to be natural-born subjects of the crown of *Great Britain*, contrary to all or any of the provisos, exceptions, limitations and restrictions, contained in the aforesaid act, made in the fourth year of the reign of his said late Majesty, or to repeal, abridge, or alter the same; but all such clauses shall be, and remain in the same state, plight, and condition, to all intents, constructions, and purposes whatsoever, as they would have been if this present act had never been made.

III. Provided also, and be it further enacted by the authority aforesaid, That nothing in this present act contained shall extend, or be construed, adjudged, or taken to repeal, abridge, or any ways alter, an act made in the fifth year of the reign of his late majesty King George the First, intituled, *An act to prevent the inconveniences arising from seducing artificers in the manufactures of Great Britain, into foreign parts*; nor to repeal, abridge, or any ways alter, any law, statute, custom, or usage whatsoever, now in force, concerning aliens, duties, customs, and impositions, nor to cause any privilege, exemption, or abatement, relating thereto, in favour of any person naturalized by virtue of this act, unless such person shall come into this realm, and there inhabit and reside, and shall take and subscribe the oaths, and make, repeat, and subscribe the declaration appointed by an act, made in the first year of the reign of his late majesty King George the First, intituled, *An act for the further security of his Majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors*, in such manner and form, and at such place and places, as are in and by the said act directed, and also receive the sacrament of the Lord's supper, according to the usage of the church of *England*, or in some protestant or reformed congregation within this kingdom of *Great Britain*, within three months before their taking the oaths in the said act mentioned; and shall, at the time and place of taking and subscribing the said oaths, and of the making, repeating, and subscribing the said declaration, produce a certificate signed by the person administering the said sacrament, and attested by two credible witnesses, whereof an entry shall be made of record in the court and courts respectively wherein such oaths shall have been taken and subscribed, without any fee or reward.

IV. Provided always, and be it further enacted by the authority aforesaid, That no person shall be enabled hereby to defeat any estate, right, or interest, which upon the last day of this session shall be lawfully vested in any other person, or to claim or demand any estate or interest, which shall hereafter accrue, unless such claim or demand be made within five years next after the same shall accrue.

Not to abridge
or alter the
act 5 Geo. 1.

Not to defeat
any right
vested in an-
other person
on the last
day of this
session.

C A P. XXII.

An act to continue an act, made in the sixth year of his present Majesty, intituled, An act to regulate the loading of ships with coals, in the ports of Newcastle and Sunderland.

Preamble. Act 6 Geo. 3. continued for a further term of seven years.

C A P. XXIII.

An act for defraying the charge of the pay and cloathing of the militia in that part of Great Britain called England, for one year, beginning the twenty-fifth day of March, one thousand seven hundred and seventy-three.

C A P. XXIV.

An act for further continuing two acts, made in the sixth and ninth years of his Majesty's reign for punishing mutiny and desertion, and for the better payment of the army and their quarters, in his Majesty's dominions in America.

Preamble.

Act 12 Geo. 3.

WHEREAS an act passed in the twelfth year of his present Majesty's reign, (intituled, An act for further continuing two acts, made in the sixth and ninth years of his Majesty's reign, for punishing mutiny and desertion, and for the better payment of the army and their quarters, in his Majesty's dominions in America;) which act was to continue and be in force in all his Majesty's dominions in America from the twenty-fourth day of March, one thousand seven hundred and seventy-three, until the twenty-fourth day of March, one thousand seven hundred and seventy-four: and whereas it has been found necessary that the said acts made in the sixth and ninth years of his Majesty's reign should be continued for a further time; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said acts shall be, and the same are hereby continued, until the twenty-fourth day of March, one thousand seven hundred and seventy-five.

further continued until
March 24.
1775.

C A P. XXV.

An act to explain two acts of parliament, one of the thirteenth year of the reign of his late Majesty, for naturalizing such foreign protestants, and others, as are settled, or shall settle, in any of his Majesty's colonies in America; and the other of the second year of the reign of his present Majesty, for naturalizing such foreign protestants as have served, or shall serve, as officers or soldiers in his Majesty's royal American regiment, or as engineers, in America.

Preamble.

Act 13 Geo. 2.

WHEREAS by an act, made in the thirteenth year of the reign of his late Majesty King George the Second, (intituled, An act for naturalizing such foreign protestants, and others therein

therein mentioned, as are settled, or shall settle, in any of his Majesty's colonies in *America*), *all persons born out of the allegiance of his Majesty, his heirs or successors, who shall have inhabited and resided, or shall inhabit or reside, for the space of seven years or more, in any of his Majesty's colonies in America; or shall not have been absent out of the said colonies for a longer space than two months at any one time, during the said seven years, are, upon the conditions prescribed by the said act, naturalized and made partakers of all the benefits and privileges which the natural-born subjects of this realm do enjoy, other than such as are specified in a proviso in the said act contained: and whereas by an act, made in the second year of the reign of his present Majesty, (intituled, An act for naturalizing such foreign protestants as have served, or shall serve, for the time therein mentioned, as officers or soldiers in his Majesty's royal American regiment, or as engineers in America,) it is enacted, That all such foreign protestants, as well officers as soldiers, who have served, or shall hereafter serve, in the royal American regiment, or as engineers in America, for the space of two years, shall, upon the terms required by the said recited act, be deemed, adjudged, and taken to be his Majesty's natural-born subjects of this kingdom, to all intents, constructions, and purposes, as if they and every of them had been, or were, born within this kingdom; and in both which acts respectively are contained provisos, That no person, who shall become a natural-born subject of this kingdom by virtue of the said acts, shall be thereby enabled to be of the privy council, or a member of either house of parliament, or to be capable of taking, having, or enjoying any office or place of trust within the kingdom of Great Britain or Ireland, either civil or military, or of having, accepting, or taking any grant from the crown, to himself, or to any other in trust for him, of any lands, tenements, or hereditaments, within the kingdoms aforesaid: and whereas doubts may nevertheless arise, whether such persons as have been, or may be naturalized under or by virtue of the said recited acts, are capable of taking, having, or enjoying any office or place of trust, either civil or military, or of taking any grant of lands, tenements, and hereditaments, from the crown whatsoever; be it enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every person and persons that have become, or shall become his Majesty's natural-born subjects, by force or virtue of the said acts, or either of them, are and shall be deemed to be capable of taking and holding any office or place of trust, either civil or military, and of taking and holding any grant of lands, tenements, and hereditaments, from the crown, to himself or themselves, or to any other or others in trust for him or them, as well under the great seal of Great Britain, as otherwise, (other than and except offices and places, and grants of lands, tenements, and hereditaments, within the kingdoms of Great Britain and Ireland); any law or act of parliament to the contrary notwithstanding.*

Act 2 Geo. 3.

All persons who have, or shall become his Majesty's natural-born subjects, by virtue of the said acts, are hereby deemed capable of taking and holding places of trust, either civil or military, &c.

CAP.

C A P. XXVI.

An act for preventing abuses in the sale of shares of British-built ships to foreigners.

Preamble.

Act 12 Car. 2.

WHEREAS by an act of parliament, made in the twelfth year of the reign of his majesty King Charles the Second, (intituled, An act for the encouraging an increasing of shipping and navigation); it is, amongst other things, enacted, That from and after the first day of *December*, one thousand six hundred and sixty, and from thenceforward, no goods or commodities whatsoever shall be imported into, or exported out of, any lands, islands, plantations, or territories to his Majesty belonging, or in his possession, or which may thereafter belong unto, or be in the possession of his Majesty, his heirs or successors, in *Asia*, *Africa*, or *America*, in any other ship or ships, vessel or vessels whatsoever, but such ships and vessels as did truly and without fraud belong only to the people of *England* or *Ireland*, dominion of *Wales*, or town of *Berwick upon Tweed*, or were of the built of, or belonging to, any of the said lands, islands, plantations, or territories, as the proprietors and right owners thereof; and whereof the master and three-fourths of the mariners at least were *English*, under the penalty of the forfeiture and loss of all the goods and commodities which should be imported into, or exported out of, any of the aforesaid places, in any other ship or vessel, as also of the ship or vessel, with all its guns, furniture, tackle, ammunition, and apparel; one-third part thereof to his Majesty, his heirs and successors; one-third part to the governor of such land, plantation, island, or territory, where such default should be committed, in case the said ship or goods be there seized, or otherwise; that third part also to his Majesty, his heirs and successors, and the other third part to him or them who should seize, inform, or sue for the same, in any court of record, by bill, information, plaint, or other action, wherein no essoin, protection, or wager of law, should be allowed; and all admirals and other commanders at sea, of any of the ships of war, or other ships having commission from his Majesty, his heirs or successors, were thereby authorized and strictly required, to seize and bring in as prize, all such ships or vessels as shall have offended contrary hereunto, and deliver them to the court of admiralty, there to be proceeded against; and in case of condemnation, one moiety of such forfeiture shall be to the use of such admirals or commanders, and their companies, to be divided and proportioned amongst them, according to the rules and orders of the sea, in case of ships taken prize, and the other moiety to the use of his Majesty, his heirs and successors: and it is also by the said act further enacted, That no alien or person not within the allegiance of our sovereign lord the King, his heirs and successors, or naturalized or made a free denizen, shall, from and after the first day of *February*, which should be in the year of our Lord one thousand six hundred and sixty-one,

ex-

exercise the trade or occupation of a merchant or factor in any of the said places upon the pain of the forfeiture and loss of all his goods and chattels, or which are in his possession, one-third to his Majesty, his heirs and successors, one-third to the governor of the plantation where such person shall so offend, and the other third to him or them that shall inform or sue for the same, in any of his Majesty's courts in the plantation where such offence shall be committed: *and whereas by one other act of parliament, made and passed in the seventh and eighth years of the reign of his late Majesty King William the Third, (intituled, An act for preventing frauds, and regulating abuses, in the plantation trade), it is amongst other things, enacted, That after the twenty-fifth day of March, one thousand six hundred and ninety-eight, no goods or merchandises whatsoever shall be imported into, or exported out of, any colony or plantation to his Majesty in Asia, Africa, or America, belonging, or in his possession, or which may hereafter belong unto, or be in the possession of his Majesty, his heirs or successors, as shall be laden in, or carried from, any one port or place in the said colonies or plantations to any other port or place in the same, the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, in any ship or bottom, but what is or shall be of the built of England, or of the built of Ireland, or the said colonies or plantations, and wholly owned by the people thereof, or any of them, and navigated with the masters and three-fourths of the mariners of the said places only, (except such ships only as are or shall be taken as prize, and condemnation thereof made in one of the courts of admiralty in England, Ireland, or the said colonies or plantations), to be navigated by the master and three-fourths of the mariners English, or of the said plantations as aforesaid, and whereof the property did belong to Englishmen; and also, except for the space of three years, such foreign-built ships as should be employed by the commissioners of his Majesty's navy for the time being, or upon contract with them, in bringing only masts, timber, and other naval stores, for the King's service, from his Majesty's colonies or plantations to this kingdom, to be navigated as aforesaid, and whereof the property doth belong to Englishmen, under pain of forfeiture of ship and goods, one-third whereof to be to the use of his Majesty, his heirs and successors, one-third part to the governor of the said colonies or plantations, and the other third part to the person who shall inform or sue for the same, by bill, plaint, or information, in any of his Majesty's courts of record at Westminster, or in any court in his Majesty's plantations, where such offence shall be committed; and it is by the said last-recited act further enacted, That from and after the twenty-fifth day of March, one thousand six hundred and ninety-eight, no ship or vessel whatsoever shall be deemed or pass as a ship of the built of England, Ireland, Wales, Berwick, Guernsey, Jersey, or any of his Majesty's plantations in America, so as to be qualified to trade to, from, or in, any of the plantations,*

and 7 & 8
Gul.3. recited.

tions, until the person or persons claiming property in such ship or vessel shall register the same as followeth; that is to say, if the ship, at the time of such register, doth belong to any port in *England, Ireland, Wales*, or to the town of *Berwick upon Tweed*, then proof shall be made, upon oath, of one or more of the owners of such ship or vessel before the collector and comptroller of his Majesty's customs in such port; or if at the time of such register the ship belong to any of his Majesty's plantations in *America*, or to the islands of *Guernsey* or *Jersey*, then the like proof to be made before the governor, together with the principal officer of his Majesty's revenue residing on such plantation or island; which oath the said governor and officers of the customs respectively are thereby authorised to administer in the tenor following; *videlicet*,

JURAT A. B. *That the ship* [name]
of [port] *whereof*
 [master's name] *is at present master,*
being a [kind of built] *of*
 [burthen] *tons, was built at*
 [place where]
in the year [time when]
and that [owners name]
of *and* *of etcetera, are at*
present owners thereof; and that no foreigner, directly or indirectly,
bath any share or part or interest therein.

Which oath being attested by the governor or customhouse officer respectively, who administered the same under their hands and seals, shall, after having been registered by them, be delivered to the master of the ship, for the security of her navigation, a duplicate of which register shall be immediately transmitted to the commissioners of his Majesty's customs in the port of *London*, in order to be entered in a general register to be there kept for this purpose; with penalty upon any ship or vessel trading to, from, or in any of his Majesty's plantations in *America*, after the said twenty-fifth day of *March*, and not having made proof of her built and property, as is here directed, that she shall be liable, and she is thereby made liable to such prosecution and forfeiture, as any foreign ship, (except prizes condemned in the high court of admiralty), would for trading with these plantations by such law be liable to: and it is also further enacted, That no ship's name registered shall be afterwards changed without registering such ship *de novo*, which is thereby required to be done, upon any transfer of property to another port, and delivering up the former certificate to be cancelled, under the same penalties, and in the like manner as is thereinbefore directed; and that in case there be any alteration of property in the same port, by the sale of one or more shares of any ship, after registering thereof, such sale shall always be acknowledged by indorsement on the certificate of the register, before

two

1773.] Anno decimo tertio GEORGI II. C. 27,—30.

two witnesses, in order to prove that the entire property in such ship remains in some of the subjects of *England*, if any dispute arises concerning the same: *and whereas, notwithstanding the said good and wholesome laws, many inconveniences have arisen, and may hereafter arise, by foreigners, or other persons not natural-born subjects of his Majesty, becoming possessed of, and intitled unto, any part or share of any British ship or vessel whatsoever, belonging only to natural-born subjects of his Majesty, whereby the other part owners of such ship or vessel cannot obtain the register required by the said act of the seventh and eighth years of his said late majesty King William the Third, for the security of the navigation of such ship or vessel, whereby the trade and commerce of this kingdom hath been and may be greatly hindered and obstructed: for remedy whereof, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That no foreigner or other person or persons whatsoever, not being a natural-born subject of his Majesty, his heirs or successors, shall be intitled to or shall purchase or contract for any part or parts, share or shares, of any British ship or vessel whatsoever, belonging only to natural-born subjects of his Majesty, his heirs or successors, without the consent in writing of the owner or owners of three-fourth parts in value at least of such ship or vessel, for that purpose first had and obtained, and indorsed on the certificate of the register of such ship before two witnesses; and all agreements, contracts, purchases, and sales, of any part or share of any British ship or vessel, belonging only to natural-born subjects of his Majesty, his heirs or successors, made, entered into, contracted for, or concluded by any such foreigner or other person or persons not being a natural-born subject or subjects of his Majesty, his heirs or successors, without such consent first had and obtained, and indorsed as aforesaid, shall be, and are hereby declared to be absolutely null and void, to all intents and purposes whatsoever.*

No foreigner to contract for any share of a British ship without the consent of the owners of three fourths of the value

C A P. XXVII.

An act for the more easy and speedy recovery of small debts, within the city and county of the city of Exeter.

C A P. XXVIII.

An act for deepening, cleansing, and making more commodious the harbours of the town of Greenock; for supplying the inhabitants with fresh and wholesome water; and for paving, cleansing, lighting, and watching the streets, and other publick places, within the said town.

C A P. XXIX.

An act for deepening, cleansing, and making more commodious, the harbour of Aberdeen; for erecting new piers and quays therein; and for regulating ships and vessels trading into, and going out of, the said harbour.

C A P. XXX.

An act for the better regulation and government of the pilots conducting ships and vessels to and out of the port of King's Lynn, and of the bridge-

brigemen conducting gangs of lighters or barges to and from the same; and for laying down moorings in the harbour of the said port, and for preventing mischiefs by fire therein.

C A P. XXXI.

An act for the more effectual execution of the criminal laws in the two parts of the united kingdom.

Preamble.

WHEREAS it frequently happens that felons, and other malefactors, in that part of Great Britain called England, make their escape into that part of Great Britain called Scotland; and also that felons, and other malefactors, in that part of Great Britain called Scotland, make their escape into that part of Great Britain called England; whereby their offences often remain unpunished, there being no sufficient provision, by the laws of either of the two parts of the united kingdom for apprehending such offenders, and transmitting them into that part of the united kingdom in which their offences were committed: for remedy thereof, may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, if any person or persons, against whom a warrant shall be issued by any justice or justices of peace of any county, riding, division, city, liberty, town, or place, within that part of *Great Britain* called *England*, for any crime or offence against the laws of that part of the united kingdom, shall escape, go into, reside, or be in any place of that part of *Great Britain* called *Scotland*, it shall and may be lawful for the sheriff, or steward-depute, or substitute, or any justice of peace of the county or place where such person or persons shall escape, go into, reside, or be, to indorse his name on the said warrant; which warrant, so indorsed, shall be a sufficient authority to the person or persons bringing such warrant, and to all persons to whom such warrant was originally directed; and also to all sheriffs officers, stewards officers, constables, and other peace officers of the county or place where such warrant shall be so indorsed, to execute the said warrant in the county or place where it is so indorsed, by apprehending the person or persons against whom such warrant is granted, and to convey him, her, or them, into the county, riding, division, city, liberty, town, or place, of that part of *Great Britain* called *England*, being adjacent to that part of *Great Britain* called *Scotland*, in which the crime was committed, and before one of the justices of peace of such county, riding, division, city, liberty, town, or place, to be there dealt with according to law: or, in case the crime was committed in a county not next adjacent to that part of *Great Britain* called *Scotland*; then, and in every such case, to convey him, her, or them, into any county of that part of *Great Britain* called *England*, next adjacent to that part of *Great Britain* called *Scotland*, and before one of the justices of peace of such county, which justice

Persons against whom warrants are issued by justices in England, for offences, who shall escape into Scotland, may be conveyed into that county where the offence was committed by the justices, &c. in Scotland, who are to indorse their names on such warrants.

justice of peace is hereby authorised and required to proceed with regard to such person or persons, in the manner directed by an act made in the twenty-fourth year of the reign of his majesty King George the Second, intituled, *An act for amending and making more effectual a clause in an act, passed in the last session of parliament, for the apprehending of persons in any county or place, upon warrants granted by justices of the peace of any other county or place*, as if the said person or persons had been apprehended in the said county.

II. And, for remedy of the like inconveniency, by the escape of persons guilty of crimes in that part of Great Britain called Scotland, be it further enacted by the authority aforesaid, That, from and after the passing of this act, if any person or persons, against whom a warrant shall be issued by the lord justice general, lord justice clerk, or any of the lords commissioners of justiciary, or by any sheriff, or steward-depute, or substitute, or justice of the peace of that part of Great Britain called Scotland, for any crime or offence against the laws of that part of the united kingdom, shall escape, go into, reside, or be, in any place of that part of Great Britain called England, it shall and may be lawful for any justice of peace of the county, riding, division, city, liberty, town, or place, where such person or persons shall escape, go into, reside, or be, to indorse his name on the said warrant; which warrant, so indorsed, shall be a sufficient authority to the person or persons bringing such warrant, and to all persons to whom such warrant was originally directed; and also to all constables, or other peace officers of the county, riding, division, city, liberty, town, or place, where such warrant shall be so indorsed, to execute the said warrant in the county, riding, division, city, liberty, town, or place, where it is so indorsed, by apprehending the person or persons against whom such warrant is granted, and to convey him, her, or them, into the county or place of that part of Great Britain called Scotland, being adjacent to that part of Great Britain called England where the crime was committed; and before the sheriff, or steward-depute, or substitute, or one of the justices of the peace of such county or place, to be there dealt with according to law: or in case the crime was committed in a county not next adjacent to that part of Great Britain called England; then, and in such case, to convey him, her, or them, into any county of that part of Great Britain called Scotland, next adjacent to that part of Great Britain called England, and before the sheriff, or steward-depute, or substitute, or one of the justices of the peace of such county; which sheriff, steward, or justice of the peace, is hereby required to proceed with regard to such person or persons according to the rules and practice of the law of Scotland, as if the said person or persons had been apprehended in the said county.

III. And be it further enacted by the authority aforesaid, That the expence of removing prisoners as aforesaid, shall be repaid to the person defraying the same by the treasurer of the county

Persons guilty of like crimes in Scotland, may be apprehended, and returned.

Expence of removing prisoners to be defrayed by

the treasurer of the county in England, or by the sheriff-depute in Scotland.

county of that part of *Great Britain* called *England*, or by the sheriff, or steward-depute, or substitute, of the county of that part of *Great Britain* called *Scotland*, in which the crime was committed, the amount of that expence being previously ascertained by an account thereof, verified upon oath before two of the justices of the peace of such county, and allowed and signed by them.

Persons who shall have stolen money, &c. in either part of the united kingdom, may be indicted for theft.

IV. *And whereas it frequently happens in both parts of the united kingdom, that persons having stolen or otherwise feloniously taken away money, cattle, goods, or other effects, carry the same into the other part of the united kingdom, and there have the said money, cattle, goods, or other effects, in their possession or custody; and doubts have been entertained, whether they could be indicted and tried in that part of the united kingdom, as the original offence was not there committed; be it therefore enacted by the authority aforesaid, That, from and after the passing of this act, if any person or persons having stolen, or otherwise feloniously taken money, cattle, goods, or other effects, in either part of the united kingdom, shall afterwards have the same money, cattle, goods, or other effects, or any part thereof, in his, her, or their possession or custody, in the other part of the united kingdom, it shall and may be lawful to indict, try, and punish such person or persons for theft or larceny in that part of the united kingdom where he, she, or they, shall so have such money, cattle, goods, or other effects, in his, her, or their possession or custody, as if the said money, cattle, goods, or other effects, had been stolen in that part of the united kingdom.*

Receivers of money, &c. in either part of the kingdom, knowing the same to be stolen, also liable to be punished.

V. *And be it further enacted by the authority aforesaid, That if any person or persons, in either part of the united kingdom, shall hereafter receive or have any money, cattle, goods, or other effects, stolen, or otherwise feloniously taken, in the other part of the united kingdom, knowing the same to be stolen, or otherwise feloniously taken, every such person or persons shall be liable to be indicted, tried, and punished for such offence in that part of the united kingdom where he, she, or they, shall so receive or have the said money, cattle, goods, or other effects, in the same manner, to all intents and purposes, as if the said money, cattle, goods, or other effects, had been originally stolen, or otherwise feloniously taken, in that part of the united kingdom.*

C A P. XXXII.

An act for repealing so much of an act, made in the twenty-third year of his late Majesty King George the Second, as relates to the preventing the stealing or destroying of turnips; and for the more effectually preventing the stealing or destroying of turnips, potatoes, cabbages, parsnips, pease, and carrots.

WHEREAS the cultivation of turnips, potatoes, cabbages, parsnips, pease, and carrots, is of great consequence to this kingdom, and the laws in being are ineffectual for preventing the stealing

stealing and destroying the same; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *June*, one thousand seven hundred and seventy-three, if any person shall steal and take away, or maliciously pull up or destroy, any turnips, potatoes, cabbages, parsnips, pease, or carrots, growing or being in any garden, lands, or grounds, open or inclosed, and shall be thereof convicted before any justice or justices of the peace for the county or place where the offence shall be committed, either by the confession of the party offending, or by the oath of one or more credible witness or witnesses, (which oath such justice or justices is and are hereby impowered to administer,) every person so offending, and being convicted as aforesaid, shall forfeit and pay, upon such conviction, such sum of money not exceeding the sum of ten shillings, over and above the value of the goods stolen, as to such justice or justices shall seem meet; which sum of money shall be distributed between the owner of such turnips, potatoes, cabbages, parsnips, pease, or carrots, and the overseers of the poor, or other persons having the charge and disposal of the funds of the poor of such parish or place where the offence shall be committed, for the use of the poor of such parish or place, in such proportion as such justice or justices shall think fit; or the whole of such sums shall be given to the owner of such turnips, potatoes, cabbages, parsnips, pease, or carrots, or to the overseers of the poor, or other persons having the charge and disposal of the funds for the use of the poor of such parish or place, according to the discretion of such justice or justices: and in default of payment of such penalty, of which the offender hath been convicted as aforesaid, such justice or justices shall and may commit such offender to the house of correction, there to be kept to hard labour for any time not exceeding one calendar month, unless such penalty shall be sooner paid or satisfied: and if the offence is committed in that part of *Great Britain* called *Scotland*, such justice or justices shall and may commit such offender to prison, there to remain for any time not exceeding one calendar month, unless such penalty shall be sooner paid or satisfied: and the bringing the offender or offenders before such justice or justices of the peace may be done, and the proceedings against offenders, under the authority of this act, may be carried on, in the most summary manner.

II. *And, for the more easy conviction of persons offending against this act*, be it enacted by the authority aforesaid, That in all informations, and other proceedings for any of the offences aforesaid, the evidence of the owner or owners of such turnips, potatoes, cabbages, parsnips, pease, or carrots, and of the inhabitants of the parish or place where the offence shall be committed, shall be taken and allowed; any law, custom, rule, order, or usage, to the contrary notwithstanding.

Where conviction shall be on oath of the owners, the forfeiture to be paid to the overseers of the poor.

Conviction to be drawn in the following form.

III. Provided always, That where any such conviction shall be upon the oath of the owner or owners, the whole of the penalty or forfeiture shall be paid to the overseer or overseers of the poor for the parish or place where the offence shall be committed, for the use of the poor of such parish or place.

IV. *And, for the more easy and speedy conviction of offenders against this act*, be it further enacted, That all and every the justice or justices of the peace, before whom any person or persons shall be convicted of any offence against this act, shall and may cause the conviction to be drawn up in the following form of words, or in any form of words to the same effect, as the case shall happen, *videlicet* :

BE it remembered, That on the _____ day of _____ in the year of our Lord _____ A. B. having been brought before me, or having been duly summoned, and not having appeared, or having appeared, (as the case may happen,) and having confessed, or being convicted, (as the case may happen,) of the charge exhibited against him, is duly convicted before me C. D. one of his Majesty's justices of the peace for the county of _____ (specifying the offence, and the time and place, when and where the same was committed, as the case shall be.) Given under my hand and seal, the day and year aforesaid.

Provido.

V. Provided always, That no person shall be prosecuted for any such offence, unless such prosecution be begun within thirty days after the offence committed.

Act 23 Geo. 2. so far as the same relates to the stealing turnips,

VI. And be it further enacted, That so much of an act, made in the twenty-third year of the reign of his late majesty King George the Second, intituled, *An act to continue several laws for the better regulating of pilots for the conducting of ships and vessels from Dover, Deal, and Isle of Thanet, up the river of Thames and Medway; and for permitting rum or spirits of the British sugar plantations to be landed before the duties of excise are paid thereon; and to continue and amend an act for preventing frauds in the admeasurement of coals within the city and liberty of Westminster, and several parishes near thereunto; and to continue several laws for preventing exactions of occupiers of locks and weirs upon the river Thames westward, and for ascertaining the rates of water carriage upon the said river; and for the better regulation and government of seamen in the merchants service; and also to amend so much of an act, made in the first year of the reign of King George the First, as relates to the better preservation of salmon in the river Ribble; and to regulate fees in trials at assizes, and nisi prius, upon records issuing out of the office of pleas of the court of exchequer; and for the apprehending of persons in any county or place, upon warrants granted by justices of the peace in any other county or place; and to repeal so much of an act, made in the twelfth year of the reign of King Charles the Second, as relates to the time during which the office of excise is to be kept open each day, and to appoint for how long time the*

the same shall be kept open upon each day for the future; and to prevent the stealing or destroying of turnips; and to amend an act, made in the second year of his present Majesty, for better regulation of attornies and solicitors; so far as the same relates to the stealing of turnips; shall, from and after the commencement of this present act, be repealed.

C A P. XXXIII.

An act to extend the provisions of an act, made in the sixth year of his present Majesty's reign, (intituled, An act for the better preservation of timber trees, and of woods and underwoods; and for the further preservation of roots, shrubs, and plants,) to poplar, alder, maple, larch, and hornbeam.

WHEREAS by an act, passed in the sixth year of his present Majesty's reign, (intituled, An act for the better preservation of timber trees, and of woods and underwoods; and for the further preservation of roots, shrubs, and plants,) it was enacted, That every person who should wilfully cut or break down, bark, burn, pluck up, lop, top, crop, or otherwise deface, damage, spoil, or destroy, or carry away, any timber tree or trees, likely to become timber, or any part thereof, or the lops or tops thereof, without the consent of the owner or owners thereof first had and obtained, or in any of his Majesty's forests or chases, without the consent of the surveyor or surveyors, or his or their deputy or deputies, or person or persons intrusted with the care of the same, and should be thereof convicted, upon the oath of one or more credible witness or witnesses, before any one or more of his Majesty's justices for the county, city, riding, division, district, or place, wherein such offence should be committed, should, for the first offence, forfeit and pay such sum of money, not exceeding twenty pounds, as to such justice or justices should seem meet, together with the charges previous to and attending such conviction, to be ascertained by such justice or justices who should convict the offender; and upon non-payment thereof, such justice or justices should commit the offender to the common gaol of the county or place where the offence should be committed, there to remain without bail or mainprize, for any time not exceeding twelve months, nor less than six months, or until the penalty and charges should be paid; and if any person so convicted should be guilty of the like offence a second time, and should be thereof convicted in like manner, such person should forfeit and pay such sum of money, not exceeding thirty pounds, as to such justice or justices should seem meet, together with the charges previous to and attending such conviction, to be ascertained by such justice or justices who should convict the offender; and, upon nonpayment thereof, such justice or justices should commit the offender to the common gaol of the county or place where the offence should be committed, there to remain without bail or mainprize, for any time not exceeding eighteen months, nor less than twelve months, or until the penalty and charges should be paid; and if any person so convicted should be guilty of the like offence a third time, and should be

shall, after the
commence-
ment of this
act, be re-
pealed.

Preamble.
Act 6 Geo. 3.

be thereof convicted in like manner, such person should be deemed guilty of felony, and the court by and before whom such person should be tried, should and thereby had authority to transport such person or persons, for the space of seven years, to any of his Majesty's plantations in America, in like manner as other felons are directed to be transported by the laws and statutes of this realm: and by the said act it was enacted, That all oak, beech, chestnut, walnut, ash, elm, cedar, fir, asp, lime, sycamore, and birch trees, should be deemed and taken to be timber trees, within the true meaning and provision of the said act: and whereas doubts have arisen since the passing the said act, whether any trees shall be deemed and taken to be timber trees, other than such as are declared so to be in the said act: now, for the better preservation of the several useful and valuable timber trees hereafter mentioned, casually omitted to be mentioned in the said act, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the trees called poplar, alder, larch, maple, and hornbeam, shall also be deemed and taken to be timber trees, immediately after the first day of May, one thousand seven hundred and seventy-three: and all and every person or persons who shall after the said first day of May, one thousand seven hundred and seventy-three next, willfully cut or break down, bark, burn, pluck up, lop, top, crop, or otherwise deface, damage, spoil, or destroy, or carry away any poplar, alder, larch, maple, and hornbeam, or any part thereof, or the tops or tops thereof, without the consent of the owner or owners thereof first had and obtained, or of some person intrusted with the care of such tree or trees, such person or persons shall, if found guilty of any offence or offences, be convicted in like manner as persons are directed so to be, for offences of the like kind, concerning trees deemed timber trees, in the above in-part recited act; and upon such conviction or convictions shall be liable to all and every the penalties, forfeitures, and punishments therein inflicted for any such like offence or offences; and all and every justice and justices of the peace is and are hereby authorized, on complaint made to him or them of any offence or offences, to administer oaths, and to proceed in like manner to conviction and punishment of every offender against this act, as fully and effectually as if the said trees hereby declared, deemed, and taken to be timber trees, had been expressly so deemed and declared to be in the said act passed in the sixth year of his present Majesty's reign; and such conviction and convictions shall be certified by the justice or justices before whom the same shall be made to the next quarter-sessions of the peace to be holden for the county wherein such offence or offences were committed, in the form of words, or to that effect, directed by the said act; and all and every the forfeitures for offences against this act shall be paid and applied in the manner forfeitures are directed to be paid in the said recited act.

After May 1, 1773, poplar, alder, larch, maple, and hornbeam, to be deemed timber trees.

Penalty on destroying any of these trees the same as for other timber trees.

C A P. XXXIV.

An act for paving, lighting, and cleansing the streets, lanes, and places within the town of Brighthelmstone, in the county of Suffex; for removing nuisances and annoyances, and preventing the like for the future; for holding and regulating a market within the said town; for building and repairing groyns, in order to render the coast safe and commodious for ships or vessels to unload and land sea-coal, culm, and other coal, for the use of the inhabitants of the said town; and for laying a duty thereon, and for other purposes.

C A P. XXXV.

An act for raising a further sum of money for the purpose of rebuilding the common gaol of the county of Essex.

C A P. XXXVI.

An act to amend an Act, passed in the ninth year of his present Majesty, intituled, An act for laying open and widening certain ways and passages, in the town of Birmingham; and for cleansing and lighting the streets, lanes, ways, and passages there; and for removing and preventing nuisances and obstructions therein; and for widening certain other streets and places; for establishing a nightly watch; and for regulating carts and carmen employed in the said town.

C A P. XXXVII.

An act for making and extending the navigation of the river Bure, (commonly called the North River,) by and from Coltishall to Aylsham Bridge, in the county of Norfolk.

C A P. XXXVIII.

An act to incorporate certain persons therein named, and their successors, with proper powers for the purpose of establishing one or more glass manufactories within the kingdom of Great Britain; and for the more effectually supporting and conducting the same upon an improved plan, in a peculiar manner, calculated for the casting of large plate glass.

WHEREAS the establishment of a glass manufactory in Great Britain, upon an improved plan, in a peculiar manner, calculated for the casting of plate glass, would be of great benefit and utility to this kingdom, and may tend, as well to increase the publick revenue arising from the duties laid thereon, as to improve the present method of making plate glass, which is not brought to a state of perfection equal to that in foreign countries: and whereas such manufactory cannot be established without great risk in the undertaking, and without a very large expence; nor can be conveniently carried on, unless a considerable joint stock is raised for that purpose: and whereas several persons have already formed themselves into a society, and subscribed considerable sums, and purchased materials, and engaged proper persons, for the purpose of establishing and carrying on the said manufactory; but such persons are apprehensive that difficulties may arise, as well in recovering debts which may grow due to the proprietors of the said manufactory, as also in defending suits or actions which may be commenced or brought against the said proprietors for any matter or thing relative to the said manufactory, as by law all

Preamble.
the

*the several proprietors and subscribers to the said manufactory must in such cases both sue and be sued, implead and be impleaded, by their several and distinct names and descriptions; and therefore, for the more easily carrying on the manufacture, and avoiding the difficulties aforesaid, are desirous of being incorporated, and having a common seal and name, by which they may sue and be sued: and whereas many persons who are not now liable to become bankrupts, within the intent and meaning of any of the laws now in force concerning bankrupts, are likewise fearful of subscribing money to carry on the said manufacture, as by becoming subscribers to, and part owners thereof, they may be liable to have commissions of bankrupt issued against them as traders; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the right honourable John Stuart, commonly called Lord Mount Stuart, the honourable major general Charles Fitzroy, Herbert Mackworth, Peregrine Cust, Thomas Dundas, Robert Palk, John Mackay, Philip Affleck, James Mowbray, Robert Digby, Angus Mackay, Henry Dagge, Albany Wallis, Henry Hastings, Ranald MacDonald, Thomas Davenport, Asbeton Curzon, John Dolben, Thomas Potter, Thomas Durell, Stephen Caesar Lemaitre, and Henry Errington, esquires, and every other person or persons who shall hereafter, either in their own right, or as executors, administrators, successors, or assigns, in right of any other person or persons become proprietors of, or interested in any part or share of the joint capital stock or fund herein-after mentioned, shall be one distinct and separate body politick and corporate, in deed and in name, by the name and stile of *The Governor and Company of British-cast Plate-Glass Manufacturers*, and that by the same name they shall have succession and a common seal; and that they and their successors may, from time to time, break, alter, make new, or change such common seal, as shall be found most expedient; and that such corporation shall be able and capable in law, and shall have perfect and full power and ability in law to have, purchase, receive, take, and enjoy, to them and their successors, lands, tenements, and hereditaments, of what kind, nature, or quality soever, for the use of the said manufactory, notwithstanding the statutes of mortmain, so as the same do not exceed the yearly value of five hundred pounds; and any person or persons, bodies politick or corporate, may give, grant, bargain, sell, or convey, to the said company of proprietors, any lands, tenements, or hereditaments, for the use and benefit of the said manufactory, so as the same do not exceed the annual value aforesaid, without license of alienation in mortmain; and that such corporation shall have power and ability in law to grant, sell, demise, alien, or dispose of such lands, tenements, or hereditaments, or any part thereof, at their free will and pleasure; and, in their corporate name, shall, and may be able and capable in law*

law to sue and implead, be sued and impleaded, answer and be answered, in any court of record, or elsewhere, in all causes and actions whatsoever, for, touching or concerning the said corporation, or the manufactory by them carried on, as aforesaid.

II. And be it further enacted by the authority aforesaid, That ^{Company may} it shall and may be lawful to and for such corporation to raise ^{raise a joint} a capital joint stock, to be applied for the carrying on the said stock. manufactory, not exceeding the sum of forty thousand pounds, at such times, and in such proportion, as at any general court or courts of such corporation, to be holden in pursuance of this act, shall be directed; and that the same be divided into such number of shares as herein-after mentioned, each share not exceeding the sum of five hundred pounds: and that no person subscribing thereto, or becoming a proprietor of such manufactory, do become a proprietor of less than one share, or more than twelve shares, either in his or her own name, or in the name of any other person or persons in trust for him or her, (except the same shall come to him or her by devise, bequest, marriage, or act of law,) upon pain of forfeiting to the said company of proprietors all such shares, exceeding twelve shares, as aforesaid; and the money so to be raised, is hereby directed and appointed to be applied, in the first place, for and towards the payment, discharge, and satisfaction, of the expences hitherto incurred on account of the establishing the said manufactory, and preparatory to the passing of this act, and also the expences to be incurred in the passing thereof, and the residue of such monies shall be applied in and about the business of the said manufactory.

III. And be it further enacted by the authority aforesaid, That ^{Joint stock to} the said sum of forty thousand pounds, or such part thereof as ^{be divided} shall be raised by the several persons herein-before named, or ^{into shares.} by such other person or persons who shall or may hereafter become proprietor or proprietors of the said manufactory, shall be divided into eighty shares, at a price not exceeding the sum of five hundred pounds for every such share, and that the said eighty shares shall be, and are hereby vested in the several persons herein-before described, and their several and respective executors, administrators, successors, and assigns, to their and every of their proper use and benefit, proportionably to the sum they and each of them shall severally subscribe and pay thereunto, and all and every the said shares shall be deemed to be personal estate, and transmissible as such, and not of the nature of real property; and all and every person and persons, their several and respective executors, administrators, and assigns, who shall severally subscribe and pay in the sum of five hundred pounds, or such sum or sums as shall be demanded in part thereof, towards the establishing and carrying on the said undertaking, shall be intitled to, and receive the entire and neat distribution of one-eightieth part of the profits and advantages that shall and may arise and accrue by virtue of the sum and

and sums of money to be raised, recovered, or received, by the authority of this act; and so in proportion for any greater number of shares, not exceeding twelve shares as aforesaid; and every person or persons, having such property of one-eightieth part or share in the said undertaking, and so in proportion as aforesaid, shall bear and pay a proportionable sum of money towards carrying on the said undertaking, in manner herein-after enacted, directed, and appointed.

Interest to be paid till the profits can be divided.

IV. And it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for the said company of proprietors, their successors or assigns, and they are hereby required, out of the money to be raised as aforesaid, until the said manufactory shall be so established, that the profits arising therefrom are sufficient to make a dividend equal to an interest of five pounds *per centum* on the capital advanced, to pay unto all and every the said proprietors, their several and respective successors, executors, administrators, or assigns, who shall severally pay in or subscribe any sum or sums of money, for and towards the carrying on and establishing the said manufactory, an interest for such sum or sums as they shall respectively pay in, after the rate of five pounds for every one hundred pounds for one year, from the time that each of such sum or sums shall be respectively advanced as aforesaid, and be paid and payable at such place or places as shall be agreed on and appointed for that purpose, at the first general meeting of the said company of proprietors, to be held as herein-after is mentioned.

Persons subscribing may vote at meetings.

V. *And, to the end that all matters or things touching or relating to the establishing and carrying on the said manufactory may be managed and conducted in the most beneficial manner*, be it further enacted by the authority aforesaid, That every person or persons, who shall have subscribed for one or more share or shares of the said manufactory, his and their respective executors, administrators, or assigns, in every or any publick meeting or assembly, to be held as herein-after appointed for carrying on the business of the said manufactory, shall have liberty by him, her, or themselves, to give one vote, and no more, without any regard being had to the number of shares he, she, or they, shall respectively be possessed of, and interested in, as aforesaid; and whatever question, election of officers, or other matter or thing shall be proposed, discussed, or considered, in any publick assembly or meeting, to be held under and by virtue of this act, shall be finally determined by the majority of votes then present, computing one vote for every member then present, and no more.

Books to be provided for subscriptions.

VI. And be it further enacted by the authority aforesaid, That a book for subscriptions shall be provided within one month after the passing of this act, in which said book the said joint stock, which shall not be less than the sum of forty thousand pounds, shall be subscribed by the proprietors of the said manufactory; and that each of the said proprietors shall not subscribe less than the sum of five hundred pounds, nor more than

than the sum of six thousand pounds; and that all and every the said proprietors shall pay his, her, or their shares and proportions of the monies subscribed at such time and place as shall be appointed for the receipt of such sums of money as shall, from time to time, be ordered to be paid, in pursuance of any call or calls to be made by the order of any general meeting, in manner and form as is herein-after directed; of which several calls, three calendar months notice at the least shall be given, by publishing the same in the *London Gazette*, and one or more of the publick news-papers, at the discretion of the general meeting of the said proprietors: and if any person or persons shall neglect or refuse to pay his, her, or their rateable or proportionable part or share, parts or shares, of such monies to be called for, as aforesaid, within one calendar month after the time appointed for payment thereof; and after personal notice given to him or her, or notice in writing left at his or her usual or last place of abode, then he, she, or they, so neglecting or refusing, shall forfeit the sum of twenty shillings for every one hundred pounds of his, her, or their respective share or shares in the said manufactory.

VII. And be it further enacted by the authority aforesaid, That whenever any proprietor shall have incurred the penalty aforesaid of twenty shillings for every one hundred pounds of such share or shares as he or she may be possessed of in the said manufactory, for nonpayment in due time as aforesaid, of his or her rateable proportion of money called for, and such forfeiture shall have been declared at some general meeting of the proprietors, it shall and may be lawful at the same, or at any subsequent general meeting, for any five or more of the proprietors then present to order and direct a further notice to be given to such proprietor; and in case he or she shall not, within six months after such notice served personally, or left at his or her most usual or last place of abode, pay, or cause to be paid, all such sum or sums of money as shall be then due and owing upon any call or calls as aforesaid, and for nonpayment of which such former forfeiture shall have been incurred, and shall also pay, or cause to be paid, an additional sum of five pounds for every one hundred pounds which such proprietor shall have subscribed towards the said manufactory, then such proprietor, in case the nonpayment of such sum or sums of money shall have been declared at some general meeting of the said proprietors, shall forfeit all his interest, share, and property, in the said manufactory, together with all such sums as shall have been paid in, or shall be then due and owing from any call or calls as aforesaid; which last-mentioned sum or sums due and owing from any call or calls as aforesaid, and the respective penalties of twenty shillings, and five pounds, herein-before mentioned, shall and may be recovered by action of debt in any of his Majesty's courts of record at *Westminster*: provided always, That it shall and may be lawful for the said proprietors, at any general meeting to be held after such forfeiture shall have been incurred, to postpone, mitigate, or remit the same.

Proprietors not making their payments to forfeit their property in the manufactory.

VIII. And

Governor,
deputy-go-
vernor, and
committee to
be chosen.

VIII. And be it further enacted by the authority aforesaid, That within the space of twenty days after passing this act, any five or more of them, the said persons herein-before named, shall summon and call together a general meeting of all the proprietors in the said joint stock, who shall and may quietly and freely assemble themselves, and meet together at the time and place so appointed; and then and there, at their will and pleasure, name, chuse, and elect, one of the said proprietors to be governor of the said company, and one other proprietor to be deputy-governor of the said company, and also five or more other fit persons to be committee-men of the said company; the said governor, deputy-governor, and committee-men, to continue in their respective offices and places, until a new election shall be had and made of a governor, deputy-governor, and committee-men, in pursuance and according to the directions of this act.

Governor and
deputy-go-
vernor to take
an oath.

IX. And be it further enacted by the authority aforesaid, That every governor and deputy-governor of the said company so to be elected as aforesaid, before they be admitted to the execution of their respective offices or places of governor and deputy-governor, shall take the following oath before any two or more of the said proprietors, who are hereby impowered to administer the same:

The oath.

YOU swear that you will assist, and with all your power support and maintain the company of British-cast plate glass manufacturers, and the privileges of the same, having no respect to yourself in derogation, hindrance, or prejudice of the good government, order, and commonweal thereof; the bye-laws and ordinances which shall be made by authority of this company, and which are not repugnant to the laws of this kingdom, you shall uprightly and duly execute according to your knowledge, and to the utmost of your power endeavour to favour and maintain the true interest and welfare of the said company.

So help you GOD.

Committee-
men to take
an oath.

X. And be it enacted by the authority aforesaid, That every one of the said committee-men of the said company for the time being, before they be admitted to the execution of their said respective offices or places of committee-men, shall take the following oath before any two or more of the said proprietors, who are hereby impowered to administer the same:

The oath.

YOU swear to be faithful and true during the time of your place of trust, as one of the committee-men of the company of British-cast plate glass manufacturers, and their successors; the good estate of the adventurers in this present joint stock you shall, as far as you are able, favour and preserve, and the privileges granted to them to the utmost of your power endeavour to maintain.

So help you GOD.

XI. And

XI. *And, to the end that all matters and things to be done and carried on by virtue and authority of this act may be the more regularly carried into execution*, be it enacted by the authority aforesaid, That there shall be one annual general meeting of all the said proprietors on the second *Wednesday in March* in every year for the future, at some convenient place for that purpose to be appointed, at or after the hour of eleven in the forenoon, at which said annual general meeting the proprietors assembled shall chuse a governor and deputy-governor of the said company, and also five or more persons, each of whom shall be for the time being a proprietor of one or more share or shares in the said manufactory, to be a committee or committees, to assist in managing the affairs of the said company of proprietors, in such manner as is herein directed, and as shall, from time to time, be ordered by any such annual general meeting, or by any special general meeting, to be held as herein-after mentioned, the said governor and deputy-governor always to be members of such committee or committees; and the said governor and deputy and committee-men, shall serve and continue in their respective offices and places for one whole year next ensuing their respective elections, or until others shall be elected and appointed in their room.

General meeting to be held annually.

XII. And be it further enacted by the authority aforesaid, That if at any time it shall appear to any five or more proprietors, that, for the more effectually putting this act in execution, an occasional general meeting of proprietors shall be necessary to be held, the governor, deputy-governor, or any three or more of the said committee, on request made in writing by the said five proprietors to the said governor, deputy-governor, or committee-men, shall cause notice to be given thereof in the *London Gazette*, or in such other manner as the said proprietors, their successors or assigns, shall at any general meeting direct or appoint, declaring in such notice the place where and the time when such meeting is to be held, the same to be held within one month from and after such notice given; and likewise specifying in every such notice the reason for and intention of such meetings respectively; and the proprietors are hereby authorized to meet pursuant to such notice, and proceed to the execution of the powers by this act given them; and every act of the proprietors, or the major part of them, at such meetings assembled, shall be as valid to all intents and purposes as if the same had been done at an annual general meeting, held in manner herein-before appointed.

XIII. And it is hereby further enacted by the authority aforesaid, That the committee so to be chosen as aforesaid, shall, from time to time, be subject to the examination and controul of the said annual or occasional general meetings of the said proprietors as aforesaid, and shall pay due obedience to all such orders and directions, in and about the premises, as they shall from time to time receive from the said proprietors, at any such general meetings; such orders and directions not being contrary to any express directions or provisions in this act contained.

XIV. And

Governors,
&c. dying,
others to be
chosen.

XIV. And it is hereby further enacted, That in case the governor, deputy-governor, or any of the committee-men for the time being, shall happen to die, or resign his office or offices, before the expiration of the said year for which he or they shall be so elected; that then, and from thenceforth, it shall and may be lawful to and for the said governor, or deputy-governor, or any three of the committee to summon and call together a general meeting of the proprietors aforesaid, and then and there to chuse into the place or places of him or them so dying or resigning one or more other fit person or persons, as the case may happen, to continue in their respective offices or places, during the remainder of such year.

Meetings to
be called by
governors,
&c. and com-
mittee-men.

XV. And be it further enacted by the authority aforesaid, That from and after the first general meeting hereby appointed as aforesaid, all and every the general meetings of the said company, hereby established, shall be, from time to time, called and summoned by the order of the said governor or deputy-governor, or any three or more of the committee for the time being; at all which general meetings before-mentioned the governor for the time being shall be present, or, in his absence, the deputy-governor for the time being, and in case of equality of votes or voices, shall have a casting voice.

No choice of
governor, &c.
or committee,
but by mem-
bers possessed
of 20 shares.

XVI. Provided always, That if at any general meeting the number of persons present shall be less than nine, and the members present shall not be possessed of twenty shares in the said manufactory at the least, no choice of a governor, deputy-governor, or committee, shall be made at that time; but in such case there shall be an adjourned meeting of the said company, at the same place, within one month, of which notice shall be given in the *London Gazette*, and such other publick news-papers as shall be then agreed upon, or in such other manner as at any general meeting shall be directed for that purpose, and so from time to time as occasion shall require, until such choice shall be made of the governor, deputy-governor, and committee, as ought to have been made at the first day herein-before appointed, had there been a sufficient number of votes present, and the persons so chosen shall have the same power which they would have had, and continue in such office until such time as they would have done, had they been chosen on the said day herein-before first appointed.

Company may
make bye-
laws, &c.

XVII. And be it further enacted, That the said company of proprietors, their successors and assigns for the time being, shall have power and authority at any general meeting, to be held as aforesaid, in case nine or more proprietors are present at such general meeting, possessed of twenty shares at least, but not otherwise, to make such rules, bye-laws, and constitutions, for the said government of the said company, and for the good and orderly carrying on the business of the said manufactory; and also for the well-governing of the officers, servants, workmen, and others who shall be employed in and about the business and carrying on of the said manufactory, or any part thereof; and to impose and inflict such reasonable fines or forfeitures upon all

all persons offending against the same, as to the major part of such general meeting shall seem meet, not exceeding the sum of five pounds for any one offence; such fines and forfeitures to be levied and recovered by such ways and means as are herein-after mentioned.

XVIII. And be it further enacted, That it shall and may be lawful to and for the said company of proprietors, their successors and assigns, at any general meeting to be held as aforesaid, in case thirteen or more proprietors are present at such general meeting, possessed of forty shares at least, but not otherwise, to alter or repeal any rules, bye-laws, or constitutions, made by the said company, at any former general meeting or general meetings: and all such rules, bye-laws, and constitutions, so to be made by the said company, at any general meeting or meetings, being fairly wrote and entered in the books of the said company of proprietors, shall be binding to and observed by all the parties, and shall be sufficient in any court of law or equity to justify all persons who shall act under the same. Bye-laws may be altered.

XIX. And be it further enacted by the authority aforesaid, That the book and books in which the accounts relating to the said undertaking shall be stated and settled, and all other matters and things relating thereunto, shall be deposited under the care and custody of such person or persons as the said company of proprietors, their successors and assigns, shall, from time to time, direct and appoint, and every proprietor or proprietors, at reasonable times, shall have free access to such book and books, for his, her, or their inspection. Books to be under the care of such persons as the company shall appoint.

XX. And be it further enacted, That at every such annual general meeting as aforesaid, the proprietors shall call for, audit, and settle all accounts of money which shall hereafter be received or paid in, for, about, or concerning the said manufactory, and shall settle and declare what dividend or dividends shall be made to the proprietors thereof: provided always, That no dividend shall at any time be made amongst the said proprietors, out of the profits arising from the said manufactory, over and above five pounds *per centum*, upon the capital stock actually advanced, during such time as there shall be due and owing from the said company any sum or sums of money borrowed upon the credit of their capital stock, or upon the profits and produce arising from the said manufactory. Proprietors at general meetings may settle accounts.

XXI. And be it further enacted, That at any such general meeting as aforesaid, the proprietors shall have power to make such call or calls of money, for the purposes of this act, as they shall find wanting and necessary, not exceeding ten pounds *per centum* on each share at any one call, under such conditions, penalties, and forfeitures as herein-before mentioned, such notice or notices, of such call or calls having first been duly given as aforesaid; which money, so called for, shall be paid to such person or persons, and in such manner, as the said general meetings shall, from time to time, appoint and direct, for the use of the said manufactory. Proprietors at general meetings have power to make calls of money.

General meet-
ings may be
adjourned.

XXII. And be it further enacted, That for all or any of the purposes aforesaid, every such general meeting shall have power to adjourn themselves, from time to time, and from place to place, as shall be thought convenient, and be agreed upon by the majority of votes then present: and in case there shall not be a sufficient number of persons present to form such general meeting before two of the clock in the afternoon, on the day on which such general meeting shall have been called, then any one of the said proprietors present, or their clerk for the time being, shall adjourn the said meeting to the same day fortnight, and shall give notice of such adjournment in manner before mentioned.

Owners of
shares dying
before calls
made for the
full sums to
be advanced
on each share,
Trustees, &c.
indemnified
for making
payment.

XXIII. And be it further enacted, That if any owner or owners of any share or shares in the said manufactory shall die before such call or calls shall be made for the full sum to be advanced on each share, which he, she, or they shall have been possessed off, or intitled unto, without having made provision by will, or otherwise, how such share or shares shall be disposed of, and the money paid in upon calls for the future; then, and in such case, the executors or administrators of any such owner so dying, and the trustee or trustees, guardian or guardians, of any infant, or other person or persons whatsoever, intitled to the estate and effects of such owner deceased, shall be indemnified against all such infant or infants, or other persons whatsoever, for paying any sum or sums of money, when called for, as aforesaid, to compleat every such subscription: and if such owner deceased shall not have left assets sufficient, or in case the executors or administrators, trustee or guardian, trustees or guardians, shall refuse or neglect to answer such calls and payments within the space of six calendar months next after personal notice served on, or notice left at the usual or last place of abode of such executors or administrators, or some or one of them, or such trustee or guardian, trustees or guardians, then such share or shares of such deceased owner or owners, as also his, her, or their personal estate, (in case they shall die leaving assets,) shall be subject and liable to the same penalties and forfeitures as are herein-before directed, in respect of the share or shares of such person or persons as shall neglect or refuse to pay in his, her, or their rateable or proportionable part or share of such monies as shall be called for, in manner herein-before mentioned.

Trustees neg-
lecting pay-
ment after six
months, such
shares of ow-
ners to be
liable to the
forfeitures as
before direct-
ed.

Proprietors
may sell and
dispose of
their shares.

XXIV. And be it further enacted, That it shall and may be lawful to and for the several proprietors of the said manufactory to sell and dispose of any share or shares he, she, or they, shall or may be intitled to therein, subject to the rules and conditions herein mentioned; and any purchaser or purchasers shall, for his, her, or their security, as well as that of such proprietor or proprietors, have a duplicate of the deed of assignment or conveyance made unto him, her, or them, and executed by such person or persons, of whom he, she, or they, shall purchase the same, and also by the purchaser or purchasers thereof, one part whereof, duly executed, both by the seller and purchaser, shall be de-

delivered to the company's clerk for the time being, to be filed and kept for the use of the said company; and an entry thereof shall be made in a book or books to be kept by the said clerk for that purpose, for which no more than one shilling shall be paid; and the said clerk is hereby required to make such entry accordingly; and until such duplicate of such deed shall be so delivered in to the said clerk, and filed and entered, as above directed, such purchaser or purchasers shall have no part or share of the profits of the said manufactory, nor any interest for his said share paid to him, her, or them, or any vote as a proprietor or proprietors.

XXV. Provided always, and be it further enacted by the authority aforesaid, That no such sale or sales, except to a proprietor or proprietors of the said company, shall be made of any such share or shares, by any proprietor or proprietors, unless three months notice in writing shall be given to the governor, deputy-governor, or any three of the committee, of such his, her, or their intentions to sell the same; and unless consent shall be given by a majority of the whole number of proprietors, signified by ballot at some general meeting, which shall be held within four months after such notice given. Notice to be given of sales.

XXVI. And be it further enacted, That in case the number of proprietors of the said manufactory shall at any future time be reduced to the number of fifteen or under, then all the powers of this act, shall be fully exercised and enforced, in like manner as is herein-before directed, by a majority of such number, in all cases where more than five proprietors are herein-before required to be present at any meeting. Proprietors reduced to 15, a majority may exercise the powers of this act in all cases where more than five are to be present at a meeting.

XXVII. And be it enacted by the authority aforesaid, That in case the said sum of forty thousand pounds, herein-before authorised to be raised, shall be found insufficient for the establishment and carrying on of the said manufactory; then, and in such case, it shall and may be lawful to and for the said company of proprietors, by and with the consent, assent, and approbation of not less than three-fourths in number of the said proprietors, and not otherwise, to raise and contribute amongst themselves, in manner and form aforesaid, or by the admission of new subscribers, upon such terms as they shall think proper, any further or other sum or sums of money, for establishing and carrying on the said manufactory, not exceeding the sum of twenty thousand pounds; and every contributor or subscriber towards raising such further or other sum or sums of money, shall have a like vote in respect of every such share in the said additional sum so to be raised, and shall also be liable to such forfeitures, and stand interested in the profits and produce of the said manufactory, for such share or shares as he, she, or they, may subscribe thereto, as generally and extensively, to all intents and purposes, as if such further share or shares so subscribed had originally been part of the said stock of the said company; any thing herein-before contained to the contrary in any-wise notwithstanding. A further sum may be raised by the company if original sum not sufficient.

Forging the
seal of the
company
made felony.

XXVIII. And be it further enacted by the authority aforesaid, That if any person or persons shall forge or counterfeit the seal of the corporation, or any deed or writing under the common seal, or shall demand any money in pursuance of any such forged or counterfeited deed or writing, either from the corporation or any members or servants thereof, knowing such writing to be forged, with intent to defraud the same corporation, or their successors, or any other person or persons whomsoever, every person so offending, and being convicted thereof in due form of law, shall be judged guilty of felony, and shall be transported to one of his Majesty's colonies or plantations in *America* for a term not exceeding seven years.

Stealing or
destroying the
works, felony.

XXIX. And be it further enacted by the authority aforesaid, That if any person or persons shall, by day or night, break into any house, shop, cellar, vault, or other place or building, or by force enter into any house, shop, cellar, vault, or other place or building belonging to the said manufactory, or wherein the same shall be then carrying on, with intent to steal, cut, break, or otherwise destroy any glass or plate glass, wrought or unwrought, or any materials, tools, or implements, used in, for, or about the making thereof, or any goods and wares belonging to the said manufactory, or shall steal, or wilfully or maliciously cut, break, or otherwise destroy, any such glass materials, tools, or implements, every such offender, being thereof lawfully convicted, shall be judged guilty of felony, and shall be transported to one of his Majesty's colonies or plantations in *America* for a term not exceeding seven years.

Writings to
be without
stamps.

XXX. And be it further enacted by the authority aforesaid, That no contract, agreement, transfer, or assignment of any share or shares, or other writing whatsoever, made in pursuance of the powers given in and by this present act, shall be charged or chargeable with any stamp-duty whatsoever; and that no proceedings to be had or taken in pursuance of this act shall be quashed or vacated for want of form only.

Fines and
forfeitures
how to be re-
covered.

XXXI. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, inflicted by this act, or by any rules, bye-laws, or constitutions, made by the said company of proprietors, their successors or assigns, by the authority thereof, the levying and recovering of which said fines, penalties, and forfeitures, are not herein-before particularly directed, shall be levied and recovered by distress and sale of the offender's goods and chattels, by warrant under the hand and seal, or hands and seals, of one or more justice or justices of the peace for the county wherein the said manufacture shall be carried on, as aforesaid; which said justice or justices is and are hereby authorized to hear and examine a witness or witnesses upon oath, and determine the same, and may, according to his or their discretion, mitigate any fine, penalty, or forfeiture, to be inflicted on any offender or offenders by virtue of the powers in this act contained; save and except such forfeitures and penalties as are herein-before directed for nonpayment of such sum

sum or sums of money as shall be called for from the said proprietors, as aforesaid; and all such respective fines, forfeitures, and penalties, by this act imposed and inflicted, the application whereof is not herein-before particularly directed, shall be paid, and shall be applied and disposed of, to, and for the use of the said manufacture, and to and for no other use or purpose whatsoever.

XXXII. And be it further enacted by the authority aforesaid, ^{Limitation of actions.} That if any action, suit, or information, shall be brought or commenced against any person or persons for any thing done in pursuance of this act, or in the execution of the powers and authorities, or the orders and directions herein-before given or granted, every such action, suit, or information, shall be brought and commenced within six calendar months next after the fact committed for which such action or suit shall be commenced, and not afterwards, and shall be brought, laid, and tried, in the county where the said manufacture shall be carried on as aforesaid, and not elsewhere; and the defendant or defendants in all such actions or suits may plead the general issue, and give this ^{General issue.} act, and the special matter, in evidence, at any trial or trials to be had thereupon; and that the same was done in pursuance and by the authority of this act: and if it shall appear to have been so done, or if any action, suit, or information, shall be brought after the time before limited for bringing the same, or shall be brought or laid in any other county or place than as aforesaid, that then, and in every such case, the jury shall find for the defendant or defendants; and if a verdict or verdicts shall be found for such defendant or defendants, or if the plaintiff shall become nonsuited, or discontinue his, her, or their action, suit, or information, after the defendant or defendants shall have appeared; or if, upon demurrer, or otherwise, judgement shall be given against the plaintiff or plaintiffs; the defendant or defendants, in every such case, shall have treble costs, and shall ^{Treble costs.} have such remedy for recovery of the same as any defendant or defendants hath or have for costs of suit in other cases by law.

XXXIII. And be it further enacted by the authority aforesaid, That this act shall take place and have continuance, from ^{Commencement and continuance of this act.} and after the passing thereof, for and during the term of twenty-one years, and from thence to the end of the then next session of parliament.

XXXIV. And be it further enacted by the authority aforesaid, ^{Publick act.} That this act shall be deemed, adjudged, and taken to be a publick act; and shall be judicially taken notice of as such by all judges, justices, and other persons whomsoever, without specially pleading the same.

C A P. XXXIX.

An act for draining and preserving certain fen lands and low grounds, called King's Delph and Eight Roods, and also other fen lands and low grounds in a certain place called Farcett Fen, adjoining thereto, lying near to the hamlet and village of Farcett and Standground in the county of Huntingdon.

Preamble. Commissioners appointed. Every owner of 30 acres may appoint a commissioner. If an owner of 30 acres be a minor, &c. the guardian or committee to act or appoint a commissioner. Joint-owners, &c. taxed by virtue of this act, may act as commissioners, or by their deputies, provided their shares are not less than fifteen acres. Appointment of commissioners to be entered in a book, &c. First meeting of commissioners. Meetings may be adjourned. Nothing to be done but at public meetings. Draining of lands and other works to be under the direction of commissioners. Commissioners to make drains, &c. making satisfaction to persons having a right to the soil. Two engines to be erected. Power to the commissioners to prevent the water of the higher lands descending on the low lands. Commissioners neglecting to make dams, the owners may make the same, and the expences to be paid by the treasurer. Owners making new cuts, &c. the commissioners to cause proper dams and headings to be made, to prevent waters descending upon the lower lands. Owners refusing to pay the expence may be prosecuted. Tunnels may be made when the engine is out of repair. The water not to pass through the tunnels, when the engine at the head of the Twelve Foot dike is stopped. Overfalls to be placed in any parts of the drains, &c. If the persons appointed for making overfalls, &c. shall neglect, others to be appointed. Commissioners may make contracts. Commissioners to contract for the purchase of lands. Where persons shall refuse or neglect to treat, jury to be summoned to ascertain the value of damages. Jury may be challenged. Witnesses may be called and examined upon oath. Verdict to be final. Witnesses not appearing, or refusing to be sworn, or any jury-man refusing to be sworn, or not giving a verdict, shall forfeit 40s. Expences of jury how to be paid. Commissioners may proceed on works after satisfaction. Tender of recompence made to commissioners, &c. for surveying and levelling lands, &c. Bodies politick, &c. to have satisfaction for damages. All verdicts, &c. to be inrolled with the clerk of the peace. Lands taxed to be ascertained, and may be taxed not exceeding 3s. *per acre per annum*. Messrs. Hoggard, Moore, and Wing's award to be binding and conclusive. In case of death of any such persons, &c. commissioners to appoint others. In case the persons appointed do not make their award in six months, other, to be appointed. Oath to be taken. Power to make a survey. Resurvey allowed. Rates or taxes to be paid half-yearly. Power to distrain. Commissioners may borrow money, not exceeding 2000l. No more than 100l. to be borrowed on one security. Securities to be assignable, and to be entered in a book. Tax chargeable with payment of the principal money, may be vested in creditors. Taxes may be raised, and lowered again, if necessary. Commissioners may appoint officers, and remove them, and appoint others. Treasurers to give security. Officers to account yearly. Accounts to be entered. Power to compel officers to account. Penalty on officers refusing to account. Proceedings to be entered in books. Orders not to be reversed, unless nine or more commissioners be present. Persons burning or otherwise destroying the works, guilty of felony. Penalty of 50l. on damaging, &c. the works. Commissioners may take in water from the rivers Nen and Bevill; and owners of lands may take in water from the river Nen by tunnels, at their own expence. Persons erecting any horse-mill, &c. to discharge water, other than into Bevill's and Nen rivers, to forfeit 50l. No houses, &c. to be built on banks near mills, on penalty of 100l. &c. Commissioners may cut down trees or holts already planted near mills. Owners, &c. to cleanse dikes, &c. and in case of neglect, surveyors to do it at the owner's expence. Commissioners may appoint a mole catcher. Engines and mills to be insured. This act not to be given in evidence touching the local
site

scite of the lands. Twelve Foot drain belonging to Sir Sampson Gideon vested in the commissioners. Commissioners not to have power over adventurers' land. Commissioners to repair Twelve Foot drain. Owners of adventurers' lands not to cut into Twelve Foot drain. Sir Sampson Gideon, &c. to keep up the banks of the adventurers' lands. Writings to be without stamps. Penalties and forfeitures how to be recovered and applied. Persons aggrieved may apply to the next session. Proceedings not to be quashed for want of form. Distress not to be deemed unlawful for want of form; nor the party distraining a trespasser *ab initio*. Conviction to be drawn in the following form. Reserving the rights of the corporation of Bedford level. Saving the rights of the commissioners of Salter's load sluice navigation. Limitation of actions. General issue. Treble costs. Publick act.

C A P. XL.

An act for amending and rendering more effectual an act, made in the twenty-seventh year of the reign of his late majesty King George the Second, intituled, An act for discharging the corporation of the governor, bailiffs, and commonalty, of the company of conservators of the great level of the fens, commonly called Bedford level, from a debt due to the duke of Bedford and earl of Lincoln; and for enabling the proprietors of lands in the north level, part of the said great level, to raise money to discharge the proportion of the said north level in the debts of the said corporation; and for ascertaining and appropriating the taxes to be laid on the said north level; and for the more effectual draining and preserving the said north level, and divers lands adjoining thereto, in the manor of Crowland; so far as the same relates to the several fen lands lying in the second district in the said act described.

Preamble. Act 27 Geo. 2. Tax of 2s. 6d. *per acre*. Tax payable for 14 years. Persons allowed to purchase off the tax of 2s. 6d. an acre. After expiration of 14 years, commissioners to have power to lay a further tax of 1s. 6d. *per acre*. Quantities of lands as in former act. Tax of 2s. 6d. for 14 years, vested in commissioners, in order to pay the debts of the district, &c. The tax of 2s. 6d. *per acre* to cease if the debts are paid before the said 14 years. Commissioners appointed by the former and this present act to have equal power. Commissioners to take an oath. On default of payment of taxes, commissioners to have power to distress. Tenant to pay taxes, and deduct the same out of his rent. In case lands are untenanted, tax to remain a charge thereon, and to be entered and distrained on at any future time when tenanted. Clause for borrowing money. Not to affect the creditors under the former acts. What sums may be borrowed. Writings may be without stamps. Persons possessed of assignments intitled to mortgage monies and interest. Former tax of 1s. *per acre*, and the present tax of 1s. 6d. *per acre*, subject to debts. Application of the 1000l. to be borrowed on the 1s. *per acre*, charged by the former act. Proceedings to be entered in books. Orders not to be without notice. Engines and mills to be insured. Mole catching. No houses or buildings to be erected within 40 poles of the mills or engines. Penalty for offending. Owners to fill up their soak dikes and soak gripples. Commissioners to have power to remove trees or holts already planted, making satisfaction to the owners. Distress not unlawful for want of form. Recital of the manner formerly used in the navigation on the river Nen to the town of Thorney. Duke of Bedford's present powers under this act. Method of throwing water out of Thorney dike. Power of commissioners with respect to the water engine at the bottom of Thorney dike. Commissioners to have power to enter on the duke of Bedford's property to work the engines. At what times the mill at the lower end of Thorney dike is not to work for the benefit of the district. The duke of Bedford to have the property of the navigation, so long as he supports the works thereof. Works of the navigation how to be prevented from damage. Conviction of offenders to be drawn up in the following form. Limitation of actions. General issue. Double costs. This act not to alter the former act. Rights of corporation of Bedford level preserved. Publick act.

C A P.

C A P. XLI.

An act for enabling James Cox, Jeweller, to dispose of his musaeum, commonly called Cox's musaeum, by way of chance, in such manner as may be most for the benefit of himself and his creditors.

Preamble.

WHEREAS James Cox of Shoe Lane, in the city of London, Jeweller, hath, in the prosecution of his trade, invented several mechanical pieces of uncommon and expensive workmanship; in the construction of which employment has been afforded to numbers of ingenious and industrious artists and workmen; and many of the said pieces have, for several years past, been disposed of in foreign countries, much to the honour as well as advantage of this kingdom: and whereas the said James Cox hath, with great labour, ingenuity, and expence, contrived and brought to perfection other pieces composing the musaeum, commonly called Cox's musaeum, which were originally intended to be disposed of in the East Indies, as many other pieces of the like kind, invented by the said James Cox, to the amount of near six hundred thousand pounds, have already been: and whereas the said James Cox hath necessarily contracted large debts in completing the said musaeum; and the said musaeum, on account of the great value and price thereof, and also on account of the present distress and scarcity of money in the East Indies, as well as in Europe, cannot easily be disposed of in the common way of sale: and whereas, unless some encouragement under the sanction of parliament be given to the said James Cox, to enable him to dispose of the said musaeum to the best advantage, and by such sale to continue with success, in the course of his trade as a jeweller, his ingenious and useful endeavours, which have, for many years past, found employment for near one thousand workmen and artists, the debts contracted by the said James Cox cannot speedily be discharged, and numbers of artists and workmen will be deprived of employment: in order therefore that this useful branch of trade, brought to so much perfection by the said James Cox, may still be carried on with success, may it please your Majesty, at the humble petition of the said James Cox, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the said James Cox, his heirs or assigns, and he and they is and are hereby authorized and empowered, at any time or times before the first day of January, one thousand seven hundred and eighty, to sell and dispose of the said musaeum, and the several pieces composing the said musaeum, specified in the schedule to this act annexed, in such manner as the said James Cox, his heirs or assigns, shall think proper, without being liable or subject to any penalty or forfeiture imposed by any act or acts of parliament against any sale or sales by way of lottery, or by lots, tickets, numbers, or figures; and that such sale or sales so to be made of the said musaeum, and of the several pieces

Mr. Cox empowered to dispose of his musaeum.

pieces composing the same, by the said *James Cox*, his heirs or assigns, before the said first day of *January*, one thousand seven hundred and eighty, shall be good and valid, any law or statute to the contrary thereof notwithstanding.

II. And be it further enacted, That this act shall be deemed, *Publick act*. adjudged, and taken to be a publick act; and be judicially taken notice of as such by all judges, justices, and other persons whomsoever, without specially pleading the same.

A SCHEDULE of the pieces already composing, and of other pieces nearly compleated, which are intended to compose the musaeum, commonly called COX's MUSAEUM.

- N^o 1. **A** Horse, tent, and pedestal, with chimes and mechanism; eight feet high.
2. A musical chime, with mechanism.
 3. ditto.
 4. A pair of bulls, with clocks, chimes, mechanism, and pedestal; eight feet high.
 5. A camel, with bridge, chime, timepiece, and mechanism.
 6. A vase of flowers in jewellery, with timepiece, chime, mechanism, and pedestal; seven feet high.
 7. A stag, large as life, with clock, chimes, and mechanism; six feet high.
 8. A goat, with chimes and mechanism.
 9. A cabinet of gold and agate, with clock, chimes, and mechanism.
 10. A rhinoceros, with timepiece, musick, and mechanism.
 11. An elephant and silver temple, with musick, mechanism, clock, and pedestal.
 12. A large amber vase of flowers, with chimes, mechanism, and pedestal; nine feet high.
 13. A gardener's boy and vase, with pine-apple, timepiece, musick, mechanism, and mirrors; fourteen feet high.
 14. An eastern sofa of gold, with reflecting mirrors, convex speculums, crimson and gold seats, and splendid ornaments; fourteen feet high.
 15. A pair of bulls, with clocks, chimes, mechanism, and pedestal; eight feet high.
 16. A goat, with chimes and mechanism.
 17. A very large pot of flowers of jewellery, with artificial waterworks, chimes, mechanism, and pedestals; ten feet high.
 18. A camel, with bridge, chime, timepiece, and mechanism.
 19. A rock, with musical chimes, mechanism, and timepiece.
 20. A musical chime, with mechanism.
 21. A ditto,

N^o 22.

- N^o22. A goat, with chimes and mechanifm.
23. An elephant and temple, with mufick, mechanifm, clock, and pedeftal.
24. A cage of finging-birds, with mufical chimes, clock, and mechanifm, placed in a commode of lapis and gold ftone, containing a chime of bells, and fountains of of artificial water ; ten feet high.
25. A palm tree in a tub of avanturine, hooped with jewel- lery, filled with mechanifm and mufical chimes, with ferpents iffuing from the root twining round the tree, afcending amongst the branches, and difappearing ; ten feet high.
26. A mufical chime with mechanifm.
27. ditto.
28. A vafe of flowers in jewellery, with chimes, mechanifm, and pedeftal.
29. An onyx and gold cabinet, with chimes, timepiece, and mechanifm.
30. A rhinoceros and caftle, with chimes, timepiece, and mechanifm.
31. A mufical clock.
32. A ftag, large as life, on its back a temple, with a three- faced clock, mufick, and mechanifm ; fix feet high.
33. A pair of vafes, with girandoles, fupported by turtles.
34. A mufical chime with mechanifm.
35. ditto.
36. A large amber vafe of flowers, with chimes, mechanifm, and pedeftal ; nine feet high.
37. A temple of agate, with cafes of artificial water, ftand- ing on a rock, furrounded by a double gallery, trium- phal chariots moving therein, with mufical chimes, mechanifm, and a large animated elephant below the gallery, ftanding between palm trees, placed at right angles, on an ornamented terras. It terminates with a ftar, and is ten feet high.
38. A fofa of gold, with reflecting mirrors, convex specu- lums, crimfon and gold feats, and ornaments ; twelve feet high.
39. A goat, with mufick and mechanifm.
40. A mufical clock, with mechanifm.
41. A gardener's boy, with vafe and pine-apple, timepiece, mechanifm, and mirrors ; ten feet high.
42. A mufical chime, with mechanifm.
43. ditto.
44. An automaton figure of a chinefe, that plays on the flute, with mufical chimes and mechanifm, upon a commode of lapis and gold ftone, which contains an organ, and in front, artificial water-works, with a water-mill and bridge ; and terminates with a fpiral ftar ; nine feet high.

- N^o 45. A bust of her imperial Majesty the empress of *Russia*, with brilliant ornaments.
46. A pyramid of fountains of artificial water, with ornaments and embellishments of gold and jewellery, dolphins, dragons, tritons, sea nymphs, and ships sailing, and water ascending, descending, and running in near three hundred streams; which pyramid is fixed on a pedestal of crystal rocks, sea horses, and other imitations, with ornaments of jewellery, placed with a recess of mirrors, terminating with an irradiating star of near three feet diameter, and fourteen feet high.
47. The chronoscope and obelisk, with pedestal, musical chimes and mechanism, standing within a pavilion of mirrors, with a canopy of red morocco and gold, terminating with a golden eagle; fourteen feet high.
48. A swan, large as life, formed of silver, filled with mechanism, beating time with its beak to musical chimes, seated on artificial water within reflecting mirrors; under the swan are water-works, terminating at the top with a rising sun, upwards of three feet diameter; the whole eighteen feet high.
49. The perpetual motion, being a mechanical, mathematical, and philosophical timepiece.
50. The throne of gold, twenty feet high, with all its decorations, altars, pavilion of velvet, and band of mechanical musick.

C A P. XLII.

An act for amending, lighting, and watching, the highways or roads within the town, village, or chapelry, of Petersham, in the county of Surrey.

C A P. XLIII.

An act to regulate the importation and exportation of corn.

WHEREAS the several acts of parliament heretofore made Preamble.
concerning the duties and bounties respectively payable on the importation and exportation of corn and grain have greatly tended to the advancement of tillage and navigation; yet nevertheless, it having been of late years found necessary, on account of the small quantities of corn and grain in hand, and of the shortness of the crops, to suspend the operation of those laws by temporary statutes, whereby the benefits derived from the said acts of parliament have been, during such emergencies, withheld and suspended: and whereas the regulating the importation and exportation of corn and grain by a permanent law, under such general rules and provisions as might render, for the time to come, such temporary laws unnecessary, would afford encouragement to the farmer, be the means of increasing the growth of that necessary commodity, and of affording a cheaper and more constant supply to the poor, and preventing abuse in that article of trade; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and

and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *January*, one thousand seven hundred and seventy-four, whenever the price of middling *British* wheat, at the ports and places where wheat shall be imported into this kingdom, shall appear according to the methods directed by the several acts of parliament for ascertaining the rates and prices of corn and grain imported, or as herein-after directed by this act to be at or above forty-eight shillings *per* quarter, or whenever the price of middling *British* rye, pease, or beans, shall in like manner appear respectively to be at or above thirty-two shillings *per* quarter, or whenever the price of middling *British* barley, beer, or bigg, shall in like manner appear respectively to be at or above twenty-four shillings *per* quarter, or whenever the price of middling *British* oats shall in like manner appear to be at or above sixteen shillings *per* quarter, all customs and duties now payable respectively, upon wheat, wheat-flour, rye, pease, beans, barley, beer, bigg, and oats, imported into this kingdom, shall respectively cease, determine, and be no longer paid or payable during the respective continuance of such respective prices as aforesaid; and in lieu of the former duties, a duty of only sixpence *per* quarter shall be laid upon all wheat; and a duty of two-pence for every hundred weight of wheat-flour; and a duty of three-pence *per* quarter shall be laid respectively upon all rye, pease, and beans; and a duty of two-pence *per* quarter shall be laid respectively upon all barley, beer, and bigg; and a duty of two-pence *per* quarter shall be laid upon all oats imported into such ports and places, during the continuance of the prices aforesaid; such duties to be levied, collected, paid, and applied, in the same manner as such former duties were before the making of this act: and such wheat, wheat-flour, rye, pease, beans, barley, beer, bigg, or oats, may be carried coastwise, and entered or landed in any other ports of this kingdom at which the prices of middling *British* corn, grain, or flour, are at or above the respective rates aforesaid, and ascertained in manner aforesaid, and in no other, under such regulations as wheat, wheat-flour, rye, pease, beans, barley, beer, bigg, or oats, of the growth of this kingdom, are now allowed to be carried coastwise.

In case wheat, wheat-flour, rye, &c. be imported, when the duties not repealed shall be due, the same may be landed without payment of duties;

II. And it is hereby further enacted by the authority aforesaid, That in case any wheat or wheat-flour, rye, pease, beans, barley, beer, bigg, or oats, shall be imported into the ports of *Bristol, Berwick, Beaumaris, Dover, Exeter, Falmouth, Harwich, Hull, London, Lynn Regis, Lancaster, Liverpoole, Milford, Newcastle, Newhaven, Poole, Southampton, Stockton, Whitehaven, Yarmouth, Ayr, Leith, Port Glasgow, Aberdeen, Kirkwall*, or any or either of them, at any time when the duties not repealed by this act shall be due and payable for such species of corn, grain, or flour respectively, the same, upon due entry thereof, may be forthwith landed from on board the ship or vessel in which such species of corn, grain, or flour, shall be so imported, in the presence

sence of the proper officer or officers of the customs, without payment of the said duties : provided that an exact account be taken of the quantity thereof, and entered in a book, to be kept by the proper officer in the custom-houses of the said ports respectively ; and that such corn, grain, or flour, shall, upon landing, be immediately lodged and secured under the joint locks of the King and the importer or proprietor of such corn, grain, or flour, in such warehouses as shall be for that purpose provided, at the sole expence of the importer or proprietor of such corn, grain, or flour, with the approbation, and under the care and inspection, of the commissioners of the customs, or any three or more of them, or the collector and comptroller of the customs for the port where such corn, grain, or flour, shall be imported, with liberty for the proprietor or his servants to screen, turn, and take such other care of the same. as necessity shall require, in the presence of some officer or officers of the customs, to be appointed for that purpose by such commissioners of the customs, or the collector and comptroller of the port ; and such corn, grain, or flour, shall not be delivered or taken out of any such warehouse, but upon the following conditions ; that is to say, if such corn, grain, or flour, or any part thereof, shall be delivered, in order to be used or consumed in this kingdom, the person or persons so taking out the same shall first pay down, in ready money, such duties as shall at the time of taking out such corn, grain, or flour, be due and payable for the like sort of corn, grain, or flour, imported into the same port ; and such corn, grain, or flour, shall be measured out from the said warehouses, and shall pay the duties by the stricken bushel, and not by the heaped bushel, and shall, in all other respects be liable to the same restrictions and regulations as it would have been liable to if the same had not been warehoused in pursuance of this act ; and if such corn, grain, or flour, so warehoused as aforesaid, shall be delivered or taken out for exportation to foreign parts, the owner or exporter thereof, together with one other sufficient person, to be approved of by the collector and comptroller of the customs at the port of exportation, shall enter into bond to his Majesty, his heirs and successors, in treble the amount of the full duties which would be then due and payable for such corn, grain, or flour, if the same was consumed in this kingdom, with condition that no part of such corn, grain, or flour, shall be reloaded in *Great Britain, Ireland, the islands of Guernsey, Jersey, Alderney, Sark, or Man, or the islands of Faro or Ferro* ; which bonds shall be discharged without fee or reward, upon certificate returned under the common seal of the chief magistrate for, or under the hands and seals of two known *British* merchants residing at, the place where such corn, grain, or flour, was landed, or upon proof by credible persons, that such corn, grain, or flour, was taken by enemies, or perished in the seas, the examination and proof thereof being left to the judgement of the respective commissioners of the customs where such bond was given, or any three or more of them ; and if the said

and ware-house under the joint locks of the King and the importer.

Conditions of delivery of such corn, grain, or flour.

said bond shall not be prosecuted within three years, the same shall be void.

Corn transported from Ireland may be carried back.

III. Provided always, That nothing herein contained shall extend, or be construed to extend, to the prohibiting such corn, grain, or flour, as hath been, under the permission herein allowed, transported from *Ireland* into this kingdom, and here warehoused, from being again carried back to *Ireland*, subject to the like securities and restrictions in all other respects as is required upon the exportation of any other foreign corn, grain, or flour.

Penalty on re-landing corn, grain, or flour, so delivered.

IV. *And the better to prevent the relanding of such corn, grain, or flour*, be it further enacted by the authority aforesaid, That all such corn, grain, or flour, so delivered as aforesaid for exportation, shall be exported directly from the port where the same was so delivered, and shall not be removed or carried, by land or water, to any other port or place in this kingdom; and if the same shall be so removed or carried, or reloaded, or unshipped to be reloaded in this kingdom, over and besides the forfeiture of the bond herein-before mentioned, all such corn, grain, or flour, together with the boats, lighters, or any other vessels, horses, carts, or other cattle or carriages, which shall be employed or made use of in the removal, carriage, or conveyance, of such corn, grain, or flour, as also the ship or vessel from which the same shall be unloaded, together with her tackle, apparel, and furniture, shall be also forfeited, and shall and may be seized by any officer or officers of the customs; and all and every person and persons who shall be assisting, or otherwise concerned in such removing or carrying, or the unshipping or relanding of such corn, grain, or flour, or to whose hands the same shall knowingly come after the unshipping thereof, shall also forfeit treble the value of such corn, grain, or flour; which said penalties and forfeitures shall and may be prosecuted, sued for, recovered, and divided, in such manner and form, and by such rules and regulations, as penalties and forfeitures inflicted for unshipping prohibited or uncustomed goods in this kingdom, may be prosecuted, sued for, recovered, and divided, by any law now in force.

Corn of the species mentioned not to be transported; viz. British wheat, when at 44s. per quarter;

V. And be it further enacted by the authority aforesaid, That whenever the price of middling *British* wheat, at any port or place within the kingdom of *Great Britain* from whence the same shall be intended to be exported, shall appear to be at or above the price of forty-four shillings *per* quarter, such price being ascertained in manner aforesaid, no person or persons whatsoever shall, directly or indirectly, export, transport, carry, or convey, or cause or procure to be exported, transported, carried, or conveyed, out of or from any such port or place, or load or lay on board, or cause or procure to be laden or laid on board, in any ship or other vessel, or boat, in order to be exported or carried out of any such port or place, any wheat, wheat-meal, or flour, or malt, bread, biscuit, or starch, made of wheat: and whenever the price of middling *British* rye, pease or beans,

at

British rye, pease, or

at such port or place, shall appear respectively to be at or above the price of twenty-eight shillings *per* quarter, such price being ascertained in manner aforesaid, no person or persons whatsoever shall, directly or indirectly, export, transport, carry, or convey, or cause or procure to be exported, transported, carried, or conveyed, out of or from any such port or place, or load or lay on board, or cause or procure to be laden or laid on board, in any ship or other vessel, or boat, in order to be exported or carried out of any such port or place, any rye, pease, or beans respectively, ground or unground, or any bread or biscuit made of rye, pease, or beans respectively: and whenever the price of middling *British* barley, beer, or bigg, at such port or place, shall appear respectively to be at or above the price of twenty-two shillings *per* quarter, such price being ascertained in manner aforesaid, no person or persons whatsoever shall, directly or indirectly, export, transport, carry, or convey, or cause or procure to be exported, transported, carried, or conveyed, out of or from any such port or place, or load or lay on board, or cause or procure to be laden or laid on board, in any ship or other vessel or boat, in order to be exported or carried out of any such port or place, any barley, beer, or bigg, or malt, bread or biscuit made of barley, beer, or bigg respectively: and whenever the price of middling *British* oats shall appear to be at or above the price of fourteen shillings *per* quarter, such price being ascertained in manner aforesaid, no person or persons whatsoever, shall directly or indirectly, export, transport, carry or convey, or cause or procure to be exported, transported, carried, or conveyed, out of or from any such port or place, or load or lay on board, or cause or procure to be laden or laid on board, in any ship or other vessel, or boat, in order to be exported or carried out of any such port or place, any oats or oatmeal, or malt, bread or biscuit made of oats, under the penalties and forfeitures herein-after mentioned; that is to say, That all and every the said commodities that shall be so exported, or so laden or laid on board in any ship or other vessel, or boat, in order to be exported or carried out contrary to this act, shall be forfeited; and that every offender or offenders therein shall forfeit the sum of twenty shillings for every bushel of wheat, wheat-meal, or flour, rye, pease, or beans, barley, beer, or bigg, oats, or oatmeal, or malt, made of any of the grains aforesaid, ground or unground, and twelve-pence for every pound weight of bread, biscuit, or starch, as aforesaid, which shall be so exported, or so laden or laid on board in any ship or other vessel, or boat, in order to be exported or carried out; and also the ship, vessel, or boat, in which any of the said articles herein-before specified shall be exported, or upon which any of the said articles shall be laden or laid, in order to be exported, and all her guns, tackle, apparel, or furniture, shall be forfeited, and shall and may be seized by any officer or officers of the customs; and one moiety of all the said penalties and forfeitures shall be to the King's majesty, his heirs

beans, when
at 28s. *per*
quarter;

British barley,
beer, or bigg,
when at 22s.
per quarter;

British oats,
when at 14s.
per quarter;

under penalty
of forfeiting
the said com-
modities, and
20s. *per* bushel
of the grain
aforesaid;

with the ship,
vessel, or boat,
in which they
are laden.

Penalty how
recoverable.

heirs and successors, and the other moiety to him or them who will sue for the same: and for offences which shall be committed in that part of *Great Britain* called *England*, such penalties and forfeitures shall be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or before the judges of assize, or at the great sessions in *Wales*; or where the value of such penalties or forfeitures shall not exceed the sum of fifty pounds, the same may be recovered by information, at any general quarter sessions of the peace for the county, city, riding, division, or place, where the offence was committed; and in such suit no essoin, protection, privilege, or wager of law, shall be allowed: and for offences which shall be committed in that part of *Great Britain* called *Scotland*, the same may be recovered by action, or summary bill or information, in the courts of session or exchequer in *Scotland*; or where the value of such penalties or forfeitures shall not exceed the sum of fifty pounds, the same may be recovered by summary bill or information, at any general quarter sessions of the peace, by action in the sheriffs or stewards court of the county, or stewardry where the offence shall be committed: and that the master and mariners of any such ship, vessel, or boat, wherein any such offence shall be committed, knowing such offence, and wittingly and willingly aiding and assisting thereunto, and being thereof duly convicted in any such courts respectively, as aforesaid, shall be imprisoned for the space of three months, without bail or mainprize.

Not to extend
to the susten-
ance of ships
of war, &c.;

VI. Provided always, That this act, or any thing herein contained, shall not extend to prohibit the exportation or carrying out of such or so much of the said articles herein-before enumerated as shall be necessary to be carried in any ship or ships, or other vessel or vessels, in their respective voyages out and home, for the sustenance, diet, and support of the commanders, masters, mariners, passengers, or others, in the same ships or vessels only, and taking their passage in such ships or vessels, or for the victualling or providing any of his Majesty's ships of war, or other ships or vessels in his Majesty's service, or for his Majesty's forces, forts, or garrisons; any thing herein contained to the contrary notwithstanding.

nor to vessels
carrying the
same coastwise.

VII. Provided also, That this act, or any thing herein contained, shall not extend to prohibit any person or persons to ship or put on board any of the articles aforesaid, to be carried coastwise; that is to say, from any port, creek, member, or part of the kingdom of *Great Britain*, to any other port, creek, member, or part of the same respectively, having such or the like coast coquet, or sufferance for that purpose, or such or the like sufficient security being first given for the landing and discharging the same, in some other port, member, creek, or part of the said kingdom, and returning a certificate in six months, as is required by law in cases where goods which are liable to pay duties on exportation are carried coastwise from one port of *Great Britain* to another.

VIII. Pro-

VIII. Provided also, That nothing herein-before contained shall extend to prohibit the several articles herein-after expressed being exported out of and from the respective ports in this kingdom herein-after mentioned, and from no other, to the several places as herein after mentioned, for the sustenance and use of the inhabitants thereof, so as the same do not exceed the several quantities respectively limited to those places within twelve calendar months ; (that is to say),

Articles which
may be ex-
ported from
ports men-
tioned.

From the port of Lon- don,	{	To <i>Gibraltar</i> .	{ Any quantity of wheat, meal, flour, rye, barley, or malt, not exceeding two thousand five hundred quarters in the whole.
		To <i>Minorca</i> .	{ Any quantity of wheat, meal, flour, rye, barley, or malt, not exceeding three thousand five hundred quarters in the whole.
		To <i>St. Helena</i> .	{ Any quantity of wheat, meal, flour, rye, barley, or malt, not exceeding five hundred quarters in the whole.

From the port of Sou- thampton.	{	To the islands of <i>Guernsey</i> and <i>Jersey</i> .	{ Any quantity of wheat, meal, flour, rye, barley, or malt, not exceeding five thousand quarters in the whole to both places.
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From the ports of <i>Whitehaven</i> and <i>Liver- pool</i> ,	{	To the <i>Isle of</i> <i>Man</i> .	{ Any quantity of wheat, bar- ley, oats, meal, or flour, not exceeding two thousand five hundred quarters in the whole ; one moiety thereof to be export- ed from the said port of <i>White- haven</i> , and the other moiety thereof to be exported from the said port of <i>Liverpool</i> .
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So as the exporters, before the shipping thereof, do declare the Security to be taken from the island or place for which the said articles are respectively design- ed, and do become bound to his Majesty, his heirs and succes- sors, with one other sufficient security (to be approved by the collector and comptroller of the customs at the port of exporta- tion), in treble the value thereof, with condition that the said articles so permitted to be exported shall be landed at the re- spective island or place for which the same shall be so declared and entered for the use and sustenance of the inhabitants there, and shall not be landed or sold in any other parts whatsoever, the danger of the seas and enemies excepted ; and that a certi- ficate, under the hand and seal of the collector, comptroller, or other chief officer of the customs, or if no such, of the naval officer,

officer, or some other principal officer of the place where the same shall be landed, shall, within twelve calendar months from the date of the bond given for landing such commodities in *Gibraltar* or *Minorca*, and within eighteen calendar months from the date of the bond given for landing such commodities in *Saint Helena*, and within six calendar months from the date of the bond given for landing such commodities in the islands of *Guernsey*, *Jersey*, or *Man*, (the danger of the seas excepted), be returned to the officers who took the said bonds, that the said commodities have been landed at the place for which the same shall have been so declared and entered; and for the taking such security, and giving such certificate, (which the respective officers are hereby required on demand to give), no fee or reward shall be demanded or received: and if any officer shall make any false certificate of any such commodities being so landed, such officer shall forfeit the sum of two hundred pounds, and lose his employment, and be incapable of serving his Majesty, his heirs or successors, in any office relating to the customs: and if any person shall counterfeit, erase, or falsify any certificate, directed or required by this act, or knowingly publish any such counterfeit, erased, or false certificate, he shall forfeit the sum of two hundred pounds; and such certificate shall be void and of no effect: which said penalties, for offences committed in *Great Britain*, shall be recovered in the same courts, and in the same manner, as the other penalties inflicted by this act are recoverable; and for offences committed in any other the dominions belonging to the crown of *Great Britain* in *Europe*, shall be recovered in the high court of admiralty, or in any other chief court of civil or criminal jurisdiction, in such respective dominions, and shall be divided into equal moieties between his Majesty and the informer; and the said bond or bonds, if not prosecuted within three years, shall be void.

Penalty on making a false certificate.

Beans may be exported to Africa.

IX. Provided also, That nothing herein contained shall extend to prohibit the exportation of beans to the *British* forts, castles, or factories, in *Africa*, or for the use of the ships trading upon that coast that have been usually supplied with the same from *Great Britain*, or to prohibit the committee of the company of merchants trading to *Africa*, from exporting annually any quantity of wheat-flour, not exceeding two hundred quarters, or any quantity of bread or biscuit, not exceeding fifteen tons in the whole of such bread or biscuit, or of such bread and biscuit together, to the *British* forts, castles, or factories in *Africa*, for the support of the persons residing there, so as the exporter of such articles aforesaid to such forts, castles, or factories aforesaid, doth, before the shipping thereof, enter into such or the like bond or bonds as are herein-before directed to be entered into by the exporters from the port of *London* to the island of *Saint Helena*, of the particular species and quantity of corn, grain, or flour, allowed by this act to be exported to that island.

Not to prohibit grain from being

X. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend, to prohibit

hibit corn, grain, or flour, from being exported from *Great Britain* to the kingdom of *Ireland*, during such time, and so *Ireland*. long as any general prohibition of, or embargo on, the exportation of corn, grain, or flour, shall be in force in that kingdom, but that it shall and may be lawful, during the time that such prohibition or embargo shall be in force in that kingdom, to export corn, grain, or flour, from *Great Britain* to *Ireland*, so as the exporters of all such corn, grain, or flour, from *Great Britain* do, before the shipping thereof, declare, that all such corn, grain, or flour, is intended to be imported into *Ireland*, and also do become bound to his Majesty, his heirs and successors, in the like bond or bonds as are by this act directed to be entered into by the exporters of corn, grain, or flour, to the islands of *Guernsey*, *Jersey*, or *Man*, under condition of returning, in the like time, certificates under the hands and seals of the collector, comptroller, and surveyor of the customs, or of any two of them, in such port or ports where such corn, grain, or flour, shall be landed, of such corn, grain, or flour, being landed in *Ireland*, as are hereby directed to be returned with respect to the landing of corn, grain, or flour, in the islands of *Guernsey*, *Jersey*, or *Man*; and that all persons who shall, within the kingdom of *Ireland*, counterfeit, erase, or falsify, any certificate directed or required by this act, or knowingly publish any such counterfeit, erased, or false certificate, shall be liable to all the like penalties and forfeitures as persons committing the like offences are liable to in *Great Britain*; which said penalties for offences so committed in *Ireland* shall be recovered in his Majesty's courts of record in *Dublin*, and shall be divided between his Majesty and the informer, in like manner as is herein-before directed, so as the said bonds be prosecuted within the like time as is herein-before directed for the prosecution of bonds of the like nature.

XI. And it is hereby further enacted by the authority afore-said, That from and after the first day of *January*, one thousand seven hundred and seventy-four, the several bounties which are now allowed by law upon the exportation of any sort of corn or grain, ground or unground, shall cease and determine, and instead and in lieu thereof, when the prices of the corn or grain herein-after mentioned, (the same being ascertained, according to the methods directed by the several acts of parliament for ascertaining the rates and prices of corn and grain imported, or as herein-after directed by this act,) shall appear to be under the rates herein-after respectively mentioned, at the ports or places in this kingdom from whence the same shall be exported, there shall be allowed upon the exportation of such corn or grain, either ground or unground, being the growth and product of this kingdom, and put on board in *British* shipping, the master and at least two thirds of the mariners of such ship being his Majesty's subjects, the following bounties; that is to say, when the price of middling *British* wheat shall be under forty-four shillings *per* quarter, there shall be allowed a bounty of five shillings for every quarter of wheat, and five shillings for every

After *January* 1, 1774, the bounties on grain are to determine and cease, and the bounties mentioned take place.

quarter of malt made of wheat; when the price of middling *British* rye shall be under twenty-eight shillings *per* quarter, there shall be allowed a bounty of three shillings for every quarter of rye; when the price of middling *British* barley, beer, or bigg, shall be under twenty-two shillings *per* quarter, there shall be allowed a bounty of two shillings and six-pence for every quarter of barley, beer, or bigg, and two shillings and six-pence for every quarter of malt made of barley, beer, or bigg; and when the price of middling *British* oats shall be under fourteen shillings *per* quarter, there shall be allowed a bounty of two shillings for every quarter of oats, and two shillings and six-pence for every quarter of oat-meal, computed at the rate of two hundred and seventy-six pounds averdupois to the quarter; which said respective bounties shall be paid and allowed in all other respects not altered by this act, by the same rules and regulations, and subject to the same securities, restrictions, penalties, and forfeitures, as the former bounties on corn or grain exported were paid and allowed, and were subject and liable to, in as full and ample manner as if the several clauses relating thereto were again repeated and enacted in this present act.

Not to prohibit persons who shall have entered the above articles when the prices shall be under the rates mentioned, from exporting the same.

XII. Provided always, and be it further enacted by the authority aforesaid, That if any person shall have entered outwards any of the articles herein-before mentioned, and shall have begun to ship or lay the same on board, during the time that the prices of middling *British* corn in this kingdom shall be under the rates herein-before respectively specified, such person shall not be prohibited from exporting the said articles actually so shipped or laden on board, or so much of the said articles expressed in such entry as shall be so shipped or laden on board, within twenty days from the entry thereof, at the custom-house for exportation, nor from receiving the bounty by this act granted thereon; any thing in this act contained to the contrary notwithstanding, although the prices of corn in this kingdom may have arisen above the rates herein-before respectively specified, after such articles shall have been shipped, and before the exportation thereof.

Any corn for which duty has been paid, if again exported within six months, the duty to be drawn back and repaid.

XIII. Provided always, and it is hereby enacted and declared by the authority aforesaid, That in all cases where any corn, grain, or flour, for which the duties hereby granted have been paid, shall at any time or times be again exported by any merchant or merchants within six calendar months from the importation thereof, the duty by this act granted, and which shall have been actually paid for such corn, grain, or flour, shall, without any delay or reward, be drawn back, and repaid unto such merchant or merchants who shall export the same to any place where a drawback is allowed on the exportation of any foreign goods from this kingdom by any act or acts of parliament now in force, and to no other: and such drawback shall, in all other respects, be paid and allowed, under the like restrictions, rules, and regulations, and shall be subject to the like penalties and forfeitures, as the drawback upon foreign goods exported is subject and liable to.

XIV. And

XIV. *And whereas the modes directed by the several acts of parliament for ascertaining the rates and prices of corn and grain in England, for regulating the duties payable for corn and grain imported into England, cannot easily, and with certainty, be carried into execution in Scotland: and whereas by the ninth act, passed in the parliament of Scotland, holden by her late majesty Queen Anne, in the year one thousand seven hundred and three intituled, An act discharging importation of Irish victual, beef, and cattle, the importation of victual from Ireland, or any other places beyond the seas into Scotland, was restrained and prohibited, under several penalties contained in the said act, and in other acts of the parliament of Scotland therein referred to; but with this proviso, That when, by reason of dearth, the prices of victual should exceed the rates specified in the said act, the lords of her Majesty's privy council of Scotland should have power, after due trial by them taken of the prices of victual, to suspend and discharge the execution of the said prohibitory acts for such space of time as the exigence of the dearth should require: and whereas, by the sixth article of the treaty of union, it is provided, that the prohibition, as then in force by the law of Scotland against the importation of victual from Ireland, or any other place beyond the seas, into Scotland, should, after the union, remain in the same force as it then was, until more proper and effectual ways should be provided by the parliament of Great Britain for discouraging the importation of the said victual from beyond the sea: and whereas by an act, passed in the fourteenth year of the reign of his late Majesty George the Second, intituled, An act for licensing the importation of victual from Ireland, and other parts beyond the seas, into Scotland, in time of dearth and scarcity, the power of suspending and discharging the execution of the said prohibitory laws, which was before vested in the lords of the privy council, by the said act of her late majesty Queen Anne, passed in the year one thousand seven hundred and three, in the parliament of Scotland, was thereby vested in the judges of the court of session, justiciary, and exchequer, in Scotland; and it is declared, that any nine of them, in time of session, and any five of them, in time of vacance, upon the petition of any person or persons desirous to import victual from Ireland, or other parts beyond the seas, into Scotland, are authorized and required to examine, inquire into, and determine the common market prices of middling corn and grain, as the same shall and may be commonly bought in the county and city of Edinburgh, and to fix and ascertain the same by a proper act or determination, to be published and made known in the manner therein directed, and if the said act and determination shall ascertain the current prices of victual in the city and county of Edinburgh to exceed the rates and prices specified in the said act, it is declared to be a sufficient warrant to the collector and other officers of the several ports in Scotland to allow victual from Ireland, or other parts beyond the seas, to be entered, unshipped, and landed, upon payment of the duties charged and directed to be paid upon foreign corn imported in and by an act, passed in the twenty-second year of his late Majesty Charles the Second, intituled, An act for the improvement of tillage and the breed of cattle; which duties are to be collected and*

Recital of
act of the
Scots parliament,
1703;

Act 6. treaty
of union;

and act 14
Geo. 2.

paid according to the rates and prices to be ascertained and determined by the said judges, in pursuance of the said act passed in the fourteenth year of his late majesty King George the Second; and the judges are likewise authorised and required to determine and ascertain the prices of victual, when they do not exceed the rates and prices specified in the said act, so that the aforesaid prohibitory laws may thereupon be revived, to prevent further importation of victual from Ireland, or other parts beyond the seas: and whereas the mode of ascertaining the prices by the said act for permitting the importation of victual from Ireland, and other parts beyond the seas, has been found to be attended with great inconvenience, and is inconsistent with the principle of this act, in making the prices of corn and grain at the ports and places of importation and exportation to regulate the prohibitions, bounties, and duties, at such respective ports and places: for remedy hercof, and for rendering this act more easy to be executed in that part of Great Britain called Scotland, be it enacted by the authority aforesaid, That from and after the commencement of this act, the mode of ascertaining the prices of victual prescribed by the aforesaid act, passed in the fourteenth year of his late majesty King George the Second, and the powers vested in the judges of the courts of session, justiciary, and exchequer, for that purpose shall cease and determine; and that thereafter the sheriff or steward-deputes of the several shires and stewartries in Scotland, within which there are ports and places for the importation and exportation of goods and merchandise, or their substitutes, shall, and they are hereby authorised and required, four times in every year; that is to say, upon the first day of November, first day of February, first day of May, and first day of August, or as soon after these days as may be, to summon and convene before them two or more honest and substantial persons of their respective counties or stewartries, not being corn merchants nor factors for corn, nor any way interested or concerned in any corn to be imported, and being skilful in the prices of corn; and upon the oaths of such two or more persons, which oaths the said sheriff or steward-deputes, or their substitutes respectively, are hereby empowered to administer, and by such other ways and means as to them shall seem proper and necessary, to examine, inquire into, and determine the common market prices of middling British corn and grain, and oatmeal, as the same shall and may be commonly bought in their respective counties or stewartries, and to fix and ascertain the same, by proper acts or determinations to be subscribed by them respectively; and thereafter, without delay, to transmit their respective acts or determinations to the collector or chief officer of every port within their respective counties or stewartries, and the collector or chief officer of the several ports, to whom such acts or determinations shall be transmitted are hereby ordered and required to hang up the same in some publick place in the custom-house of the respective ports, to which all persons may resort for their information, there to remain until a succeeding act and determination shall be transmitted to be hung up in its place, and to transmit a copy there-

Mode of ascertaining prices of victual by the last mentioned act to cease;

and market prices of corn, &c. to be examined and fixed by sheriffs and steward-deputes;

who are to transmit copies of their determinations to the collector at the ports.

of to the commissioners of the customs at *Edinburgh*, and the prices so ascertained shall regulate the prohibitions in this act, and the duties and bounties upon the importation and exportation of all corn and grain imported into or exported from the several counties in *Scotland*, where the prices are ascertained in manner before directed; and every act and determination shall remain in force for that purpose, until a subsequent act or determination shall be transmitted to supply its place; and the sheriffs or stewards, who shall fix and ascertain the prices of middling *British* corn and oatmeal in manner before directed, are hereby ordered and required to cause preserve, as matter of record of their respective courts the evidence upon which their acts or determinations of the prices are founded; and the clerks of their respective courts are hereby ordered and required to give extracts of the evidence to all persons calling for the same, upon receiving payment of the usual fees exigible for extracts of judicial proceedings.

XV. And be it further enacted by the authority aforesaid, That from and after the commencement of this act, all oatmeal imported from *Ireland*, or from any other part beyond the seas, into any port or place in *Scotland*, where the price of oatmeal, ascertained in the manner before directed, does not exceed sixteen shillings *per* boll, weighing eight stone troy, as also the ship or vessel in which such oatmeal shall be imported, together with her tackle, apparel, and furniture, shall be forfeited, and shall and may be seized by any officer or officers of the customs; and all and every person and persons who shall be aiding and assisting in the unshipping of such oatmeal, or to whose hands the same shall knowingly come, after the unshipping thereof, shall forfeit treble the value of such oatmeal; and which said forfeitures and penalties shall and may be prosecuted, sued for, and recovered, and divided in such manner and form, and by such rules and regulations, as penalties and forfeitures inflicted for unshipping prohibited and unaccustomed goods in this kingdom may be prosecuted, sued for, recovered, and divided, by any law now in force.

XVI. Provided always, That from and after the commencement of this act, it shall be lawful to import oatmeal from *Ireland*, or from any other part beyond the seas, into any port or place in *Scotland*, where the price of oatmeal ascertained in manner directed by this act does exceed the price of sixteen shillings *per* boll, weighing eight stone troy.

When the price does not exceed 16 s. *per* boll, oatmeal, from *Ireland*, &c. with the vessel, to be forfeited.

When oatmeal does exceed 16 s. it may be imported.

CAP.

C A P. XLIV.

An act to allow a drawback of the duties of customs on the exportation of tea to any of his Majesty's colonies or plantations in America; to increase the deposit on bohea tea to be sold at the India Company's sales; and to empower the commissioners of the treasury to grant licences to the East India Company to export tea duty-free.

Preamble.

WHEREAS by an act, made in the twelfth year of his present Majesty's reign, (intituled, An act for granting a drawback of part of the customs upon the exportation of tea to Ireland, and the British dominions in America; for altering the drawback upon foreign sugars exported from Great Britain to Ireland; for continuing the bounty on the exportation of British made cordage; for allowing the importation of rice from the British plantations into the ports of Bristol, Liverpoole, Lancaster, and Whitehaven, for immediate exportation to foreign parts; and to empower the chief magistrate of any corporation to administer the oath, and grant the certificate required by law, upon the removal of certain goods to London, which have been sent into the country for sale;) it is amongst other things, enacted, That for and during the space of five years, to be computed from and after the fifth day of July, one thousand seven hundred and seventy-two, there shall be drawn back and allowed for all teas which shall be sold after the said fifth day of July, one thousand seven hundred and seventy-two, at the publick sale of the united company of merchants of England trading to the East Indies, or which after that time shall be imported, by licence, in pursuance of the said therein and hereinafter mentioned act, made in the eighteenth year of the reign of his late majesty King George the Second, and which shall be exported from this kingdom, as merchandise, to Ireland, or any of the British colonies or plantations in America, three-fifth parts of the several duties of customs which were paid upon the importation of such teas; which drawback or allowance, with respect to such teas as shall be exported to Ireland, shall be made to the exporter, in such manner, and under such rules, regulations, securities, penalties and forfeitures, as any drawback or allowance was then payable, out of the duty of customs upon the exportation of foreign goods to Ireland; and with respect to such teas as shall be exported to the British colonies and plantations in America, the said drawback or allowance shall be made in such manner, and under such rules, regulations, penalties, and forfeitures, as any drawback or allowance payable out of the duty of customs upon foreign goods exported to foreign parts, was, could, or might be made, before the passing of the said act of the twelfth year of his present Majesty's reign, (except in such cases as are otherwise therein provided for:) and whereas it may tend to the benefit and advantage of the trade of the said united company of merchants of England trading to the East Indies, if the allowance of the drawback of the duties of customs upon all teas sold at the publick sales of the said united company, after the tenth day of May, one thousand seven hundred

dred and seventy-three, and which shall be exported from this kingdom, as merchandise, to any of the British colonies or plantations in America, were to extend to the whole of the said duties of customs payable upon the importation of such teas; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That there shall be drawn back and allowed for all teas, which, from and after the tenth day of May, one thousand seven hundred and seventy-three, shall be sold at the publick sales of the said united company, or which shall be imported by licence, in pursuance of the said act made in the eighteenth year of the reign of his late majesty King George the Second, and which shall, at any time hereafter, be exported from this kingdom, as merchandise, to any of the British colonies or plantations in America, the whole of the duties of customs payable upon the importation of such teas; which drawback or allowance shall be made to the exporter in such manner, and under such rules, regulations, and securities, and subject to the like penalties and forfeitures, as the former drawback or allowance granted by the said recited act of the twelfth year of his present Majesty's reign, upon tea exported to the said British colonies and plantations in America was, might, or could be made, and was subject to by the said recited act, or any other act of parliament now in force, in as full and ample manner, to all intents and purposes, as if the several clauses relative thereto were again repeated and re-enacted in this present act.

After May 10, 1773, on all teas sold at publick sale, or imported by licences, and afterwards exported as merchandise to America, the whole duties of customs to be drawn back.

II. *And whereas by one other act made in the eighteenth year of the reign of his late majesty King George the Second, (intituled, An act for repealing the present inland duty of four shillings per pound weight upon all tea sold in Great Britain; and for granting to his Majesty certain other inland duties in lieu thereof; and for better securing the duty upon tea, and other duties of excise; and for pursuing offenders out of one county into another,) it is, amongst other things, enacted, That every person who shall, at any publick sale of tea made by the united company of merchants of England trading to the East Indies, be declared to be the best bidder for any lot or lots of tea, shall, within three days after being so declared the best bidder or bidders for the same, deposit with the said united company, or such clerk or officer as the said company shall appoint to receive the same, forty shillings for every tub and for every chest of tea; and in case any such person or persons shall refuse or neglect to make such deposit within the time before limited, he, she, or they, shall forfeit and lose six times the value of such deposit directed to be made as aforesaid, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, in which no essoin, protection, or wager of law, or more than one imparlance, shall be allowed; one moiety of which forfeiture shall go to his Majesty, his heirs and successors, and the other moiety to such person as shall sue or prosecute for the same; and the sale* of

Act 18 Geo. 2. recited.

of all teas, for which such deposit shall be neglected to be made as aforesaid, is thereby declared to be null and void, and such teas shall be again put up by the said united company to publick sale, within fourteen days after the end of the sale of teas at which such teas were sold; and all and every buyer or buyers, who shall have neglected to make such deposit as aforesaid, shall be, and is and are thereby rendered incapable of bidding for or buying any teas at any future publick sale of the said united company: and whereas it is found to be expedient and necessary to increase the deposit to be made by any bidder or bidders for any lot or lots of bohea teas, at the publick sales of teas to be made by the said united company; be it enacted by the authority

Every person, after May 10, 1773, who shall be declared the highest bidder at any publick sale, shall deposit with the company 4^l. for every tub or chest of bohea tea.

aforesaid, That every person who shall, after the tenth day of May, one thousand seven hundred and seventy-three, at any publick sale of tea to be made by the said united company of merchants of *England* trading to the *East Indies*, be declared to be the best bidder or bidders for any lot or lots of bohea tea, shall, within three days after being so declared the best bidder or bidders for the same, deposit with the said united company, or such clerk or officer as the said united company shall appoint to receive the same, four pounds of lawful money of *Great Britain* for every tub and for every chest of bohea tea, under the same terms and conditions, and subject to the same forfeitures, penalties, and regulations, as are mentioned and contained in the said recited act of the eighteenth year of the reign of his said late Majesty.

Commissioners of the treasury may grant licence to the East India Company to export to America any quantity of tea they shall think proper, without penalty.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of his Majesty's treasury, or any three or more of them, or for the high treasurer for the time being, upon application made to them by the said united company of merchants of *England* trading to the *East Indies* for that purpose, to grant a licence or licences to the said united company, to take out of their warehouscs, without the same having been put up to sale, and to export to any of the *British* plantations in *America*, or to any parts beyond the seas, such quantity or quantities of tea as the said commissioners of his Majesty's treasury, or any three or more of them, or the high treasurer for the time being, shall think proper and expedient, without incurring any penalty or forfeiture for so doing; any thing in the said in part recited act, or any other law, to the contrary notwithstanding.

Act Will. 3. recited.

IV. And whereas by an act made in the ninth and tenth years of the reign of King William the Third, (intituled, An act for raising a sum not exceeding two millions, upon a fund, for payment of annuities, after the rate of eight pounds *per centum per annum*; and for settling the trade to the *East Indies*;) and by several other acts of parliament which are now in force, the said united company of merchants of *England* trading to the *East Indies* are obliged to give security, under their common seal, for payment of the duties of customs upon all unrated goods imported by them, so soon as the same shall be sold; and for exposing such goods to sale, openly and fairly, by way of auction, or by inch of candle, within the space of three years from the im-

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importation thereof: and whereas it is expedient that some provision should be made to permit the said united company, in certain cases, to export tea, on their own account, to the British plantations in America, or to foreign parts, without exposing such tea to sale here, or being charged with the payment of any duty for the same; be it therefore enacted by the authority aforesaid, That from and after the passing of this act, it shall and may be lawful for the commissioners of his Majesty's treasury, or any three or more of them, or the high treasurer for the time being, to grant a licence or licences to the said united company, to take out of their warehouses such quantity or quantities of tea as the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, shall think proper, without the same having been exposed to sale in this kingdom; and to export such tea to any of the British colonies or plantations in America, or to foreign parts, discharged from the payment of any customs or duties whatsoever; any thing in the said recited act, or any other act to the contrary notwithstanding.

Treasury may grant licence to the company for any quantity of tea to be exported to America, discharged of customs.

V. Provided always, and it is hereby further enacted by the authority aforesaid, That a due entry shall be made at the custom-house, of all such tea so exported by licence, as aforesaid, expressing the quantities thereof, at what time imported, and by what ship; and such tea shall be shipped for exportation by the proper officer for that purpose, and shall, in all other respects, not altered by this act, be liable to the same rules, regulations, restrictions, securities, penalties, and forfeitures, as tea exported to the like places was liable to before the passing of this act: and upon the proper officer's duty, certifying the shipping of such tea to the collector and comptroller of his Majesty's customs for the port of *London*, upon the back of the licence, and the exportation thereof, verified by the oath of the husband or agent for the said united company, to be wrote at the bottom of such certificate, and sworn before the said collector and comptroller of the customs, (which oath they are hereby empowered to administer,) it shall and may be lawful for such collector and comptroller to write off and discharge the quantity of tea so exported from the warrant of the respective ship in which such tea was imported.

Entry to be made of all tea exported by licence, and shipped by the proper officer; and such tea is liable to the same rules, penalties, &c. not hereby altered, as before passing this act. Officer's and collector's duty on exportation.

VI. Provided nevertheless, That no such licence shall be granted, unless it shall first be made to appear to the satisfaction of the commissioners of his Majesty's treasury, or any three or more of them, or the high treasurer for the time being, that at the time of taking out such teas, for the exportation of which a licence or licences shall be granted, there will be left remaining in the warehouses of the said united company, a quantity of tea not less than ten millions of pounds weight; any thing herein, or in any other act of parliament, contained to the contrary thereof notwithstanding.

No licence to be granted, unless ten millions lb. wt. of tea be left in the warehouses.

C A P. XLV.

An act for draining and preserving certain fen lands and low grounds, lying in the south level, part of the great level of the fens, commonly called Bedford Level, between certain old rivers or drains, called Stoke River and Brandon River, and a certain level or district, called Feltwell New District, and the hard lands of Woodhall in Helgay, and Helgay, in the counties of Norfolk and Suffolk.

Preamble. General district. First district. Second district. How the waters are to be conveyed to the sea. Commissioners for the districts. First commissioners for Hockwold with Wilton, Feltwell Saint Mary, &c. Persons nominated to be joined with former commissioners, &c. Owners of 10 acres of land to appoint commissioners for the second district. Certificate of such election. In case of no election, the first commissioners to continue. Owner of 100 acres may appoint a commissioner in case he acts himself; but if he does not may appoint two. Persons not to act as commissioners, unless they have 16 acres. Trustees and committees for minors, lunatics, and idiots, to sit, vote, and act, as commissioners. Joint tenants, &c. to act as commissioners. No persons holding places of profit, to act as commissioners. Times and places of meeting of commissioners. Expences ascertained to be allowed at the general and other meetings of the commissioners. Commissioners may bring actions in the name of their treasurer, &c. Commissioners for the two districts to meet twice a year, for the purpose of directing the joint works. Commissioners may elect officers, and appoint their salaries. Treasurer to give security. Commissioners annually to inspect receipts and disbursements, and settle accounts. Treasurers, collectors, &c. to attend with their books, and verify on oath, if required. Accounts to be entered in two books, and where to be deposited. Manner and time when officers are to give in their accounts. Balance (if any) to be paid to the commissioners, or their order. Works to be done in the first and second district. Power to contract for repairs. Commissioners to have power to erect sluices to keep up a head of water. Commissioners to make satisfaction to the owners of the soil for damages. Justices to determine differences. The banks of Stoke River, deemed to belong to Mr. Joddrel, to be supported by the present lessee, &c. Methwold Load with the south bank thereof, to be scoured, &c. at the costs of the lessee. Owners of Methwold Seversals to repair the tunnel in Broad Fen Load. No mills to throw water into any river, &c. except Brandon and Stoke rivers. Mr. Pepper Manby's right reserved. Sam's Cut and Hunt's Sluice to be secured and repaired at the joint costs of the two districts. Saving clause respecting a certain drain and sluice. Commissioners of first district empowered to assess land owners in said district. Exceptions. Commissioners of the second district empowered to assess land owners in said district. Exceptions. Exemption of high lands. Method of determining disputes with respect to high lands. On default of payment of taxes; Commissioners to have power to distrain. Exception. On neglect to make the bank commissioners to order the tunnel to be pulled up. A survey to be made of the taxable lands in each district, on the oath of the surveyor. Persons aggrieved may have resurvey. Hockwold with Wilton's poor's thirty acres, exempted from any tax. In case of default of payment of rates, 21 days notice to be given before the day of payment. Tenants to pay the tax, and deduct the same out of their rent. Lands untenanted to be charged with rates. Commissioners may let lands unoccupied to pay the rates. Commissioners of the first district empowered to borrow money. Commissioners of the second district empowered to borrow money. Money borrowed to be distinguished for which district. The sum of 1000l. may be borrowed on the credit of the taxes of the first district, and no more than 3000l. on the taxes of the second district. Securities to be assignable by indorsement, &c. 2s. 6d. to be paid for entry. Taxes chargeable with the monies borrowed. Application of money within the two districts. Lessees of Methwold Seversals, in consideration of paying no tax, to support the bank of the river Stoke. In case of the banks of Stoke River, &c. be neglected, the officers, so authorized, to repair the bank,

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stop the breaches, &c. shall be reimbursed their expences by the lessees. Commissioners refusing to repair Sams's Cut and Hunt's Sluice, lessees of Methwold Severals impowered to authorise the surveyor of the first district to repair the same, and the expence to be borne by the said commissioners. In case of non-payment, on application to a justice, the money to be levied by distresses. Commissioners of the two districts impowered to erect two mills at the west end of Sams's Cut, &c. Commissioners of the second district may erect a mill at the west end of Sams's Cut, for the benefit of said district, under certain limitations. Commissioners of Feltwell new district to pay a proportionable part for the repair of Sams's Cut. How commissioners may recover money unpaid. Fen reeves of Methwold Common to raise money to repair the bank against Methwold Common. If fen reeves neglect to repair the bank, lessees of Severals may do it. Lands of Mr Tokelove, &c. may be drained by the mill erected by the leases of the Severals. Mr. Annesley, Mr. Green and others, to make tunnels next Sams's Cut. Owners of Flegg Fen to support the south bank of Stoke River. In case the banks of Stoke River by Flegg Fen are neglected, method of compulsion. Distress on nonpayment. Tenants repairing the bank may deduct the expence out of their rent. Lessees of Methwold Severals to erect one engine for throwing water into Stoke River. Passages may be made across any bank that may be made in Methwold Severals. In case the commissioners of the second district neglect to repair Wilton Load, and Brandon River, commissioners may compel. Earth may be taken from commons, &c. gratis. Exceptions. To prevent cutting earth from Northcloud, but at particular times. No earth to be taken from the lands of Mr. Manby. Commissioners may act as justices. Proceedings to be entered in books. Orders not to be reversed, but at a meeting for that purpose. Felony on burning of mills, &c. Penalty on destroying the works. Mole catching. Penalty on persons burning banks. 10s. penalty on persons driving carriages on the banks. Penalty of 50l. on persons discharging the water upon other persons lands. Penalty of 5l. on persons cutting hods, &c. near the banks; and 5l. penalty on persons cutting watering places for cattle to drink. No buildings to be built near the mills. Penalty. Trees now growing, &c. may be removed. Dikes, &c. to be scoured. Mills to be insured. Justices to administer oaths. Form of conviction. Convictions not removeable. If plaintiff recover, to have full costs. Plaintiff not to recover, if tender made. How penalties may be levied. Writings to be without stamps. Lands dug into turf pools, &c. exempted for 7 years, unless occupied, &c. and then to pay one half rates. Exemption. To prevent cutting of firing. Commissioners may erect files, &c. To prevent haling of boats along the banks, &c. Penalty. The commissioners of Feltwell district to repair Cross Bank, &c. On neglect of maintaining the said bank, distress on owners for nonpayment. Distress not unlawful for want of form. Persons aggrieved may appeal to the next session. Justices to determine differences. Proceedings not to be quashed for want of form. The expences of the act to be paid out of the first monies. Commissioners for widening the river Wisley, and making a bank against the lands in Fordham. Who may be commissioners for the care of the river Wisley in case of death, &c. Commissioners may appoint deputies. Form of appointment. No more than one person for the lordship of Fordham, &c. to act for the care of the river. Time, and place where the commissioners are to meet. Commissioners of Stoke River neglecting to meet, or to adjourn, how the next meeting may be called. Commissioners to cause a proper bank to be built. Commissioners to cause Helgay bridge to be enlarged. By whom the expences of the work shall be paid. Commissioners to advance 400l. for carrying on the works. Persons contributing towards the works impowered to apply the money for those purposes. For enforcing the payment of the several proportions of money to be paid. No more than one mill and one gagg to drain into Stoke River. Proviso. Commissioners for draining shall not interfere with the commissioners for widening Stoke River. Saving clause to the corporation of Bedford Level. Limitation of actions. General issue. Double costs. Publick act.

C A P. XLVI.

An act for the more effectual draining and preserving certain fen lands and low grounds in the parish of Yaxley, in the county of Huntingdon.

Preamble. Appointment of commissioners. Deputies may be appointed to act in their absence. Owners of 50 acres to appoint a commissioner. If owner of 50 acres be a minor, such minor or his guardian to appoint a commissioner during his minority. Joint owners may be commissioners, and may appoint deputies. Proceedings to be entered in books. Meetings of commissioners. Commissioners may adjourn. Commissioners may act as justices. No order to be valid, unless by order of the commissioners. Commissioners to make drains, &c. making reasonable satisfaction to proprietors of soil. Mustard Seed Close to remain a common drain. Commissioners may make contracts. Commissioners impowered to drain other lands. Officers to be appointed by the commissioners. Taxes to be charged by the commissioners. Surveyors appointed to view the present works. Additional taxes in Hog Fen, and Lord's Fen. Owners to give in the quantities of their lands. Commissioners to borrow money. Application of the money. No assignment shall be made for more than 100 l. Assignments may be transferred. Commissioners may lend money. Taxes to vest in creditors. Power to distrain. Penalty on nonpayment of taxes. Commissioners may enter on and hold premises in case of nonpayment of taxes within 6 months. High lands exempted from payment of taxes. Persons appointed to ascertain high lands. Award to be made in six months. On death of the above surveyors, others to be chosen. If persons appointed do not make their award in six months, others to be appointed. The oath following to be taken. Soke dikes to be made. Land may be purchased for getting materials. Surveyors may dig gravel, &c. making satisfaction to the owners. Justices to determine differences. Commissioners to settle accounts. Officers to account upon oath. Proceedings of commissioners to be entered in books, &c. No order of commissioners to be reversed without 14 days notice. Penalty on destroying works, felony; and on damaging works, not exceeding 50 l. Commissioners may make allowances for catching moles, &c. How persons burning banks are to be punished. Persons discharging water through the lands of other persons to forfeit 50 l. Penalty on persons destroying the grounds by cutting of firing. Penalty on turning hogs on the banks. Persons cutting ditches, &c. within a certain distance of any bank to forfeit 5 l. No houses, &c. to be built near mills. Commissioners may cut down trees growing near the mills. Fen lands, &c. to be assessed to poor rates. Justices to administer oaths. Owner or occupier to cleanse dikes. Commissioners to have no power upon The Twelve Foot Drain. Road to be made in Hog Fen. Mills to be insured. Writings to be without stamps. Persons aggrieved may appeal to the next session. Justices to determine differences. Proceedings not to be quashed for want of form. Distress not unlawful for want of form. Saving clause to the corporation of Bedford Level. This act not to prevent the navigation in The Yard's End Dike and Load. Limitation of actions. General issue. Treble costs. Publick act.

C A P. XLVII.

An act to enable the right honourable Sackville earl of Thanet to make a navigable cut or canal from a place called The Spring, lying near Skipton Castle, in the county of York, to join to and communicate with the navigable canal from Leeds to Liverpoole, in a close called Hebble End Close, in the township of Skipton, in the said county of York.

Preamble. The earl of Thanet impowered to complete a navigable cut near Skipton Castle. Trustees of the grammar school at Skipton may sell part of Hebble End Close. All sums arising from the purchase of Hebble End Close to be laid out in the purchase of other lands. Arbitrators relative to the prices in money to be paid by earl of Thanet. The earl to erect and maintain stop-gates. Persons damaging the works to be adjudged guilty of felony. Persons throwing ballast or rubbish into the canal

nal or trenches, to foreit 5l. The works not to be subject to the controul of commissioners of sewers. Limitation of actions. General issue. Treble costs. Publick act.

C A P. XLVIII.

An act for amending and rendering more effectual two acts, made, one in the eighth and the other in the tenth year of his present Majesty's reign, for regulating the nightly watch and beadles, and for paving, repairing, cleaning, and lighting, the parish of Saint Mary le Bone, in the county of Middlesex, and for other purposes in the said acts mentioned.

C A P. XLIX.

An act for more effectually executing an act, passed in the twenty-seventh year of King George the second, for draining and preserving the lands in the North Level, part of Bedford Level, so far as relates to the fourth district of the said North Level.

Preamble. Additional tax of 1s per acre. Assessments to be ascertained according to former surveys. Commissioners to the former act to be commissioners to this act. Commissioners to take the oath prescribed by the former act. The duke of Bedford's devisees may agree for assisting the commissioners in draining the fourth district. Tenants to pay the additional tax, and may deduct the same out of their rents. Lessees to ecclesiastical bodies or persons not intitled to deduct the rates. Rates and taxes may be recovered by distress. Unoccupied premises to remain liable. Commissioners impowered to borrow money, and may mortgage the rates as a security. Copies of mortgages to be entered in a book, and may be transferred. Creditors deemed equal in degree. Rates to be liable to pay the money so borrowed. This act not to prejudice the mortgages on the former act. Writings may be without stamps. Commissioners to appoint clerks, &c. Receivers to give security and to account: on refusal or neglect to account, may be committed by a justice. Rates to be entered in books, and accounts of receipts and disbursements. Proceedings to be entered in books. Saving the rights of the company of conservators. Not to alter the powers of the former act. Limitation of actions. General issue. Treble costs. Publick act.

C A P. L.

An act for better regulating the poor, and repairing the highways within the town and county of the town of Southampton.

C A P. LI.

An act to discourage the practice of commencing frivolous and vexatious suits in his Majesty's courts at Westminster, in causes of action arising within the dominion of Wales; and for further regulating the proceedings in the courts of great sessions in Wales.

WHEREAS, to the intolerable vexation and charge of his Majesty's subjects in the dominion of Wales, it hath been the practice to commence trifling and frivolous suits in the courts at Westminster, upon causes of action arising within the said dominion of Wales; in order that the same may be tried in the nearest adjoining English county to that part of the dominion of Wales in which the cause of action has arisen, to discourage the like practices for the future; may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority

After Jan. 1. 1774. in case the plaintiff, in any personal action, &c. where the cause shall arise in Wales, and be tried at the next English county to that dominion, shall not recover, by verdict, damages to the amount of 10l.;

the defendant shall be intitled to judgement and remedy thereon, if resident in Wales at the time of the service of any writ, &c. in such action.

In all actions within Wales which shall be brought in courts of record out of the said principality, and the debt shall be found by the jury to amount to 10l. a judgement to be entered thereon, and the plaintiff to pay costs of suit.

thority of the same, That from and after the first day of *January*, one thousand seven hundred and seventy-four, in case the plaintiff in any action upon the case, for words, action of debt, trespass on the case, assault and battery, or other personal action, where the cause of such action shall arise within the dominion of *Wales*, and which shall be tried at the assizes, at the nearest *English* county to that part of the said dominion of *Wales* in which the cause of action shall be laid to arise, shall not recover, by verdict, a debt or damages to the amount of ten pounds; in such case, if the judge who tried the cause on evidence appearing before him shall certify on the back of the record of *Nisi Prius*, that the defendant or defendants was or were resident in the dominion of *Wales* at the time of the service of the writ, or other mesne process served on him, her, or them, in such action, on such fact being suggested on the record or judgement roll, a judgement of nonsuit shall be entered against the plaintiff, and such defendant or defendants shall be intitled to, and have like judgement and remedy thereon, to recover such and the like costs, against the plaintiff or plaintiffs in every such action, as if a verdict had been given by the jury for the defendant or defendants, unless the judge, before whom such cause shall be tried, shall certify, on the back of the record, that the freehold or title of the land mentioned in the plaintiff's declaration was chiefly in question, or that such cause was proper to be tried in such *English* county.

II. *And in order to prevent transitory actions, where the cause of actions does not amount to ten pounds, arising within the principality of Wales, from being brought in any of his Majesty's courts of record out of the said principality*, be it further enacted, That in all transitory actions arising within the said principality, which from and after the first day of *January*, one thousand seven hundred and seventy-four, shall be brought in any of his Majesty's courts of record out of the said principality of *Wales*, and the venue therein shall be laid in any county or place out of the said principality, and the debt or damages found by the jury shall not amount to the sum of ten pounds, and it shall appear upon the evidence given on the trial of the said cause, that the cause of action arose in the said principality of *Wales*, and that the defendant or defendants were resident in the dominion of *Wales* at the time of the service of any writ, or other mesne process served on him, her, or them, in such action, and it shall be so certified, under the hand of the judge who tried such cause, upon the back of the record of *Nisi Prius*, (on such facts being suggested on the record or judgement roll), a judgement or nonsuit shall be entered thereon against the plaintiff, and the plaintiff or plaintiffs shall pay to the defendant or defendants, in such action, his or their costs of suit; and the defendant and defendants shall have like remedy to recover the same as in the case of a verdict given for the defendant or defendants in such action; and, in the taxation of all costs allowed and given to the defendant or defendants by and in pursuance of this act, the proper

proper officer shall allow to the plaintiff or plaintiffs, out of the defendant's costs, the full sum given by the verdict to the plaintiff or plaintiffs for his or their debt or damages; and, although no judgement shall be entered for the plaintiff or plaintiffs upon such verdict, yet nevertheless such verdict, without any judgement entered thereon, shall be an effectual bar to any action or actions commenced by the plaintiff or plaintiffs for the same.

III. *And whereas by an act, made in the thirty-fourth and thirty-fifth years of the reign of his late Majesty King Henry the Eighth, intituled, An act for certain ordinances in the King's* A^t 34 & 35
Henry 8.

dominion and principality of *Wales*, it is (amongst other things) enacted, That there shall be holden and kept sessions, twice in every year, in every of the shires of the said dominion and principality of *Wales*, the which sessions shall be called, *The King's Great Sessions in Wales*; and that the justice of *Chester* shall hold and keep sessions, twice in every year, in the shires of *Denbigh*, *Flint*, and *Montgomery*: and likewise that the justice of *North Wales* shall hold and keep sessions, twice in every year, in the shires of *Caernarvon*, *Merioneth*, and *Anglesey*; and also that one person, learned in the laws of this realm, by the King's majesty to be named and appointed, shall be justice of the shires of *Radnor*, *Brecknock*, and *Glamorgan*; and shall likewise hold and keep sessions, twice in every year, in every of the same shires; and likewise that one other person, learned in the laws of this realm, to be appointed as aforesaid, shall be justice of the shires of *Caermarthen*, *Pembroke*, and *Cardigan*, and shall in like wise hold and keep sessions, twice in every year, in every of the same shires; and that the said persons, or justices, and every of them, then being, or that thereafter shall be, shall have several letters patents and commissions for their offices under the King's great seal of *England*, to be exercised by themselves, or their sufficient deputies, according to the purposes and intents in the said ordinances specified: *and whereas by one other act, made in the eighteenth year of the reign of her late majesty Queen Elizabeth, intituled, An act for the appointing of justices in the shires of Wales, it is* A^t 18 Eliz.

(amongst other things) enacted, That the Queen's highness, her heirs and successors, may and shall have full power and authority, from time to time, to constitute, name, or appoint, two or more persons, learned in the laws of this realm of *England*, to be justices of and for the said counties of *Chester*, *Flint*, *Denbigh*, and *Montgomery*; any two or more, learned as aforesaid, to be justices of *North Wales*; (*videlicet*), of and for the said shires of *Anglesey*, *Caernarvon*, and *Merioneth*; and likewise two or more, learned as aforesaid, to be justices of and for the circuits and shires of *Radnor*, *Glamorgan*, and *Brecknock*; and also two or more, learned as aforesaid, to be justices of and for the circuits and shires of *Cardigan*, *Caermarthen*, *Pembroke*, and the town and county of *Haverford West*: *and whereas the exercising the power of appointing deputies by such justices may be attended with inconvenience*; for preventing thereof, be it further enacted, That no justice now appointed, or at any time hereafter to be appointed,

Welsh justices
not to have

power hereafter of exercising their office by deputy;

except for the purpose of calling and adjourning courts, taking and proclaiming fines, &c.

Justices in Wales may nominate deputies for the before-mentioned purposes.

His Majesty, under his royal sign manual, may appoint persons to execute the office of justices, in place of those who, by illness, shall be prevented from attending.

Suits to be tried by special juries; and such juries may be struck as in the courts at Westminster.

ed, of or for the said county of *Chester*, or of or for any county, circuit, or shire, within the said principality or dominion of *Wales*, shall have any power or authority of exercising his office by deputy, save and except for the purpose of calling and adjourning any court or courts, and receiving any motion or motions appointed, or especially directed to be made at such court, and for the further purpose of taking and proclaiming fines, and arraigning recoveries, in such court or courts of each respective great session and assizes, within the circuit of such justice; any law, statute, or usage, to the contrary notwithstanding.

IV. Provided always nevertheless, and be it further enacted by the authority aforesaid, That from henceforth it shall and may be lawful to and for the several and respective justices of and for the said several and respective circuits and counties for the time being, from time to time, and at any time, as occasion may require, by writing under the hand and seal, or hands and seals, of such justice or justices respectively, to nominate, constitute, or appoint, any person or persons to be his or their deputy or deputies, for the intent and purpose of calling and adjourning any court or courts, and receiving any motion or motions, appointed, or especially directed to be made at such court, and for the further purpose of taking and proclaiming fines, and arraigning recoveries in such court or courts of each respective great session and assizes, within their several and respective circuits and counties aforesaid, which person or persons so appointed shall have full power and lawful authority so to do.

V. Provided always, and be it further enacted, That his Majesty, his heirs and successors, shall and may, under his or their royal sign manual, appoint one or more person or persons, learned as aforesaid, to execute the said office of justice in the said county palatine of *Chester*, or in any of the said counties of *Wales*, for the then next ensuing great sessions, in the place and stead of any of the said justices, who shall, by illness, be prevented attending upon such great sessions, and so as often as the necessity of the case shall require; any law, usage, or custom, to the contrary thereof in any wise notwithstanding.

VI. And whereas it is conceived that the suitors in the court of the King's great sessions in the dominion and principality of *Wales* will, in many cases, experience great benefit and advantage by having their suits tried by special juries; be it therefore further enacted by the authority aforesaid, That the justices of his Majesty's great sessions in *Wales*, upon motion made on behalf of his Majesty, his heirs or successors, or on motion of any prosecutor or defendant in any indictment or information of any misdemeanour, or on the motion of any plaintiff or plaintiffs, defendant or defendants, in any action, cause, or suit whatsoever, depending, or to be brought and carried on, in any his Majesty's courts of great sessions in *Wales*, shall and may, in case such justices in their discretion shall think fit, order and appoint a jury to be struck before the proper officer of such courts, for the trial of any issue joined in any of the said cases, in such manner

as

as special juries have been usually struck in the courts of law at *Westminster*, upon trials at bar had in the said courts; which jury so struck as aforesaid shall be the jury returned for the trial of such issue as aforesaid.

VII. Provided always, and be it further enacted by the authority aforesaid, That the person or party who shall, by virtue of this act, apply for such special jury, shall not only bear and pay the fees for striking such jury but shall also bear, pay, and discharge all the expences occasioned by the trial of the cause by such special jury, and shall not have any further or other allowance for the same, upon taxation of costs, than such person or party would be intitled unto in case the cause had been tried by a common jury, unless the justices or justice before whom the cause is tried shall, immediately after the trial, certify in open court, under his or their hand or hands, upon the back of the record, that the same was a cause proper to be tried by a special jury.

VIII. And, to prevent the demand or payment of extravagant fees of jurymen returned under the authority of this act, be it further enacted by the authority aforesaid, That no person who shall serve upon any jury, appointed or returned by authority of this act, shall be allowed, or take, for serving on any such jury, more than the sum of money which the justices or justice who tries the issue or issues shall think just and reasonable, not exceeding the sum of one pound one shilling, except in causes where a view hath been or shall be directed.

IX. And for the greater ease and benefit of all persons whomsoever in the taking of affidavits to be made use of and read in the courts of his Majesty's great sessions in Wales, in all matters and causes whatsoever depending, or to be depending, in all or any of the courts aforesaid, or in any-wise concerning the proceedings of or in the same, be it enacted by the authority aforesaid, That the justices of the respective courts of great sessions in *Wales* for the time being shall and may, by one or more commission or commissions, under the seal of the said respective courts, from time to time, as need shall require, empower such and so many persons as they shall think fit and necessary, in all and every the several shires and counties within their respective circuits in the said dominion of *Wales*, to take and receive all and every such affidavit and affidavits as any person or persons shall be willing and desirous to make before any of the persons so empowered in, or concerning any cause, matter, or thing depending, or hereafter to be depending, or in any-wise concerning any of the proceedings to be in their respective circuits of great sessions, as the justices of his Majesty's court of King's bench, or common pleas, or the lord treasurer, chancellor, and barons of the court of exchequer for the time being, do use to do; which said affidavits, taken as aforesaid, shall be filed in the several and respective offices of the said several and respective courts of great sessions, and the same shall and may be read and made use of in the said respective courts to all intents and purposes, as other affidavits

Party applying for a special jury shall pay the fees for striking such jury, and all expences occasioned by the trial of the cause.

Persons who shall serve on any jury shall not be allowed above 1*l.* 1*s.* for such service.

Justices may empower persons to take affidavits concerning proceedings in their circuits;

and the affidavits so taken shall be filed in the offices of the respective courts.

taken in the said respective courts now are; and that all and every affidavit and affidavits, taken as aforesaid, shall be of the same force as affidavits taken in the said respective courts now are; and all and every person and persons forswearing him, her, or themselves, in such affidavit or affidavits, shall incur and be liable unto the same penalties, as if such affidavit or affidavits had been made and taken in open court; which said several commissions shall be made out by the prothonotary, upon a fiat or warrant from the said justices for the time being of the said respective courts of great sessions in *Wales*; and the said prothonotary shall cause an entry to be made in a book to be kept for that purpose of the names of the persons to whom such commissions are, from time to time, granted, and the respective times when issued; and the following fees shall be paid for each commission, and no more; (*to wit*), the sum of two shillings for the fiat or warrant; the sum of four shillings for making out the said commission, besides the King's duty, and value of the parchment; and the sum of four shillings for sealing the same; and every commissioner, or person so impowered, shall take and receive, for the swearing of every affidavit before him, the sum or fee of one shilling, and no more.

No commissioner shall take an affidavit during the time of holding assizes.

Officers who have heretofore taken affidavits may continue so to do.

X. Provided nevertheless, That no person appointed a commissioner as aforesaid shall take or receive any affidavit during the time of holding the great sessions, or assizes, for the county or place in which such cause, matter, or thing, shall be depending.

XI. Provided always, and it is hereby enacted, That such officers of the said several and respective courts of great sessions in *Wales*, as have heretofore taken or sworn affidavits, shall and may continue so to do, in the same manner as if this act had not been made; any thing herein contained to the contrary notwithstanding.

Justices of the courts of great sessions may empower persons to take recognizances of bail;

XII. *And, to give greater ease and benefit to all persons within the said dominion of Wales, in taking the recognizances of special bails upon all actions and suits depending, or to be depending, in any of the courts of his Majesty's great sessions in Wales;* be it further enacted by the authority aforesaid, That the justices of the respective courts of great sessions in *Wales* for the time being shall and may, by one or more commission or commissions; under the seal of the said respective courts, from time to time, as need shall require, empower such and so many persons (other than common attorneys or solicitors) as they shall think fit and necessary in all and every the several shires and counties within their respective circuits in the said dominion of *Wales*, to take and receive all and every such recognizance or recognizances of bail or bails, as any person or persons shall be willing or desirous to acknowledge or make before any of the persons so impowered in any action or suit depending, or hereafter to be depending, in the said respective courts, or any of them, in such manner and form, and by such recognizance or bail piece, as the justices of the said courts of great sessions respectively have used

used to take the same; which said recognizance or recognizances, bail piece or bail pieces, so taken as aforesaid, together with an affidavit made of the due taking of the recognizances of such bail or bail piece, by some credible person present at the taking thereof, shall be transmitted to the prothonotary's office, there to be filed of record, paying such fees as have usually been received for the taking of special bails by the justices clerks, and other officers of the said respective courts, which recognizance of bail or bail piece, so taken and transmitted, shall be of the like effect, as if the same were taken before any of the said justices; for the taking of every which recognizance or recognizances of bail or bail piece, the person or persons so empowered shall receive only the sum of or fee of two shillings, and no more.

which shall be transmitted to the prothonotary's office to be filed.

XIII. And be it further enacted by the authority aforesaid, That the said justices of great sessions, in their respective courts, shall and may make such rules and orders for the justifying of such bails, and making the same absolute, as to them shall seem meet, so as the cognizor or cognizors of any such bail or bails be not compelled to appear in person in any of the said courts, to justify him or themselves; but the same may be, and is hereby directed to be determined by affidavit or affidavits, duly taken before the said commissioners, touching the value of their respective estates.

Justices to make rules for justifying bail,

XIV. Provided always, That the attorney for the defendant or defendants shall give notice to the plaintiff's attorney of the taking of such bail within eight days after the caption thereof, and that the plaintiff shall be at liberty, within eight days after such notice, to take exception to such bail, and enter the same in the prothonotary's office; and such exception having been taken, the bail shall be justified before the justices, before the rising of the second court at the ensuing sessions; and the bail bond taken by the sheriff, under sheriff, or other officer, for the defendant's appearance, shall remain in force until such special bail shall have been finally justified as aforesaid; but the plaintiff, nevertheless, shall be at liberty to file his declaration conditionally in the prothonotary's office; and the defendant, in case such declaration shall have been delivered seven days before the first day of the session next ensuing the return of such writs, shall plead thereto, before the rising of the second court of such great sessions, unless further time shall be given him by the court for that purpose.

Notice to be given of the taking of such bail by the defendant's attorney to the attorney for the plaintiff.

XV. And whereas all writs relating to actions depending in the courts of great sessions, in the several counties in North and South Wales, are returnable at the great session held respectively for the said counties, and at no other time, by which means no action that is commenced, (except where the defendant or defendants voluntarily appear), can be brought to issue, and tried before the second session after such action is commenced at the soonest, which is usually near a year, and a great delay to the suitors of the said courts: for remedy whereof, and for the greater ease and benefit of the said suitors,

Original writs, bills, &c. shall be made returnable before the justices of North and South Wales.

be it further enacted by the authority aforesaid, That from and after the first day of *January*, one thousand seven hundred and seventy-four, all original writs, bills, and all mesne proceſs whatsoever, by which any action shall be commenced or sued in the said courts of great sessions for the said counties of *North* and *South Wales*, shall and may be made returnable before his Majesty's justices respectively of the several counties of *North* and *South Wales*, on the first *Wednesday* in any month, in each of the two vacations, annually, betwixt the two sessions, or on the first day of the next sessions, at the election of the plaintiff or plaintiffs, his, her, or their attorney, who shall sue out the same: and that all such writs or proceſs which shall issue out of the said courts, returnable in the vacations as aforesaid, and whereon or wherewith the defendant or defendants shall be arrested, or served with a copy or copies, such defendant or defendants shall appear and file special bail, or enter a common appearance, as the case shall require, on the day of such return, or within fourteen days next after; and in case of neglect in bailable actions, the sheriff, under sheriff, or other officer, shall, at the request and costs of the plaintiff or plaintiffs, in such actions, his, her, or their attorney, assign to such plaintiff or plaintiffs the bail bond taken for the defendant's appearance upon the arrest, by indorsement and attestation under his hand, in the presence of two or more credible witnesses; and the plaintiff or plaintiffs in such action, after such assignment made, may bring an action or suit upon such bail bond in his, her, or their own name or names; and the said courts may, by rule or rules thereof respectively, give such relief to the plaintiff and plaintiffs, defendant and defendants, in the original action, and to the bail so sued upon the bail bond, as is agreeable to justice and reason; and in case on service of the copy of any writ or proceſs (having notice thereunder written, purporting the intent of such service), returnable in the vacation time as aforesaid, the defendant or defendants so served therewith, shall not appear at the return, or within fourteen days next after the return thereof, as aforesaid, it shall and may be lawful to and for the plaintiff or plaintiffs in such action, upon affidavit being made, and filed with the prothonotary of the said respective courts, or his deputy, of the personal service of such writ or proceſs as aforesaid, to enter a common appearance or appearances for the defendant or defendants, and to proceed thereon as if such defendant or defendants had entered his, her, or their appearance; and special bail having been filed, or a common appearance entered, as the case shall require, the plaintiff in such action may proceed to file his declaration; and the defendant or defendants, in case such declaration shall have been delivered seven days before the first day of the session next ensuing the return of such writ, shall be bound to plead thereto, before the rising of the second court of such great session, to be holden for the county or place in which such action shall have been

been brought, unless the court shall think proper to allow further time for that purpose.

XVI. And be it further enacted by the authority aforesaid, That from and after the first day of *January*, one thousand seven hundred and seventy-four, every officer or clerk belonging to the several courts of great sessions in the principality of *Wales*, who shall sign any original writ or bill, relating to actions depending in the said courts of great sessions, shall, at the signing thereof, set down upon such original writ or bill the day and year of his signing the same, which shall be entered upon the remembrance, or in the book where the abstracts of such original writ or bill shall be entered, upon pain to forfeit the sum of five pounds for every offence or neglect of such officer or clerk aforesaid; to be recovered by any person who shall sue for the same, by action of debt, bill, plaint, or information, wherein no wager of law, protection, or essoin, or more than one imparlance shall be allowed.

XVII. And whereas by sundry statutes, penalties are given for offences thereby provided against, and such penalties are directed to be sued for and recovered in his Majesty's courts of *Westminster* only, and the enabling the respective courts of great sessions to hold pleas, or to have cognizance in all such cases arising or happening within their respective jurisdictions, would be for the ease and benefit of the inhabitants of the dominion of *Wales*; be it further enacted by the authority aforesaid, That from and after the first day of *January*, one thousand seven hundred and seventy-four, in all cases where any penalty or penalties is or are given by any statute, and the same is, are, or shall be directed to be recovered in the courts of *Westminster*, or either of them, excepting such as may by the laws now in being be sued for only in his Majesty's court of exchequer, and the offence for which any such penalty or penalties hath or shall be given shall be done or committed in any of the counties of *Wales*, and the defendant or defendants liable to the same shall be resident within the jurisdiction of the great session held for any county of *Wales*, it shall and may be lawful to and for the plaintiff or plaintiffs, prosecutor or prosecutors, or other person to whom any such penalty is given, or who shall be intitled to sue for the same, in every such case, to sue for and recover the same in the courts of great session respectively in *Wales*, within which such penalties have or shall be incurred, in such manner and form as he, she, or they, might have done in the courts at *Westminster*; and that the said respective courts of great session shall have jurisdiction as fully, to all intents and purposes, as if the said courts had been respectively named in all and every of the said acts, and the powers thereby given extended to the said respective courts.

Original bills
how to be
signed by the
clerks.

Penalties given
by statutes
where to be
sued and re-
covered.

C A P. LII.

An act for appointing wardens and assaymasters for assaying wrought plate in the towns of Sheffield and Birmingham.

Preamble.

WHEREAS the silversmiths and plate-workers in and about the town of Birmingham, in the county of Warwick, and in and about the town of Sheffield, in the county of York, are under great difficulties and hardships in the exercise of their trades, for want of assayers in convenient places to assay and touch their wrought plate: for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the several towns of Birmingham and Sheffield aforesaid shall be, and are hereby appointed for the assaying and marking of wrought silver plate, and for executing the powers, authorities, and directions, given by this act.

The guardians of the standard of wrought plate.

II. And be it enacted by the authority aforesaid, That the earl of Dartmouth, the right honourable lord Archer, the right honourable Heneage Finch, commonly called lord Guernsey; the right honourable George Greville, commonly called lord Greville; the right honourable Francis Conway, commonly called lord Beauchamp; sir John Wrottesley baronet, sir Henry Bridgman baronet, the honourable John Ward, Richard Geast, John Wyrley, Isaac Spooner, Henry Gough, Charles Colemore, John Taylor, Samuel Garbitt, Henry Carver senior, Joseph Wilkinson, Sampson Lloyd, junior, Thomas Ingram, Edward Palmer, John Kettle, Joshua Glover, Matthew Boulton, John Francis, Thomas Mynde, Samuel Pemberton, John Turner senior, John Lee, William Sawyer, John Lane of Mosely, James Alston, Matthew Barker, Joseph Adams of Walsall, James Wright, Samuel Galton, and James Jackson, shall be, and are hereby incorporated a company of or belonging to the said town of Birmingham; and that the most honourable Charles marquis of Rockingham, the earl of Stafford, the earl of Effingham, Godfrey Bagnall Clark, Anthony Saint Leger, Samuel Shore the younger, Samuel Tooker, Henry Howard, Walter Osborne, the reverend James Wilkinson clerk, Benjamin Roebeck, Thomas Broadben, John Shore, George Greaves, John Turner, Thomas Bland, George Brittain, Samuel Staniforth, Simon Andrews Young, Joseph Mathewman, John Heyland, Henry Tudor, John Winter, Albion Cox, John Rowbotham, Joseph Hancock, Matthew Fenton, William Marsden, Thomas Law, and Joseph Wilson, shall be, and are hereby incorporated a company of or belonging to the said town of Sheffield, and shall be called and known by the name of *The guardians of the standard of wrought plate*, within such towns respectively, and shall continue of such company so long as they live and reside in such towns respectively, or within twenty miles thereof; which companies respectively shall be enabled, and are hereby authorised, on or before the fifth day of July next, to meet at some convenient place within each town respectively, and chuse four persons by majority of voices out of each

com-

company respectively, to be the wardens of the said company in each of the said towns respectively; which said wardens shall continue for the space of one year, and no longer, unless re-elected by the company in manner aforesaid.

III. And be it further enacted by the authority aforesaid, That each of the said companies respectively shall be enabled, and are hereby authorised and directed, annually, on the first *Monday* in *July* in every year, out of fit and proper persons resident in such towns respectively, or within twenty miles thereof, to chuse, by a majority of members present at any meeting to be held for that purpose, one or more person or persons into the said companies respectively, in the place and stead of such of the said company who shall have died or removed to a greater distance than twenty miles from such towns respectively, so as by reason of such choice there shall not be, when the company is compleat, more than nine or less than six plate-workers members of each company respectively; and that immediately after such companies shall be so filled up in manner aforesaid, they shall be enabled, and are hereby authorised and directed, to proceed to the election of the four wardens for the year ensuing, in manner aforesaid; and if any of the said wardens so chosen as aforesaid shall happen to die, or remove to a greater distance than twenty miles out of such town, then the said companies respectively shall, within one month after such death or removal, chuse another person of each respective company, in manner aforesaid, to be warden in his room; and such person shall and is hereby authorised and required to act accordingly for the remainder of that year.

IV. And be it further enacted by the authority aforesaid, That no silversmith or plate-worker in either of the said towns, or within twenty miles thereof, shall knowingly put to sale, exchange, or sell any silver vessel, plate, or manufacture of silver, made or wrought in either of the said towns, or within twenty miles thereof, after the twenty-ninth day of *September* next, or export the same out of this kingdom, until such time as such silver vessel, plate, or manufactured silver, (being of the standard of eleven ounces two penny weight of fine silver *per* pound *troy*.) shall be marked as followeth; that is to say, with the mark of the worker or maker thereof, which shall be the first letters of his christian and surname; and also with the lion passant, and with the mark of the company within whose assay office such plate shall be assayed and marked, to denote the goodness thereof, and the place where the same was assayed and marked; and also with a distinct variable mark or letter; which letter or mark shall be annually changed upon the election of new wardens for each company, to denote the year in which such plate is marked, or plate being of the standard of eleven ounces ten penny weight of fine silver *per* pound weight *troy*, with the mark of the worker or maker thereof, which shall be the first letters of his christian and surname, as aforesaid, the figure of a woman commonly called *Britannia*, the said mark or letter to denote

Other persons to be chosen in place of those who shall die; and four wardens to be elected.

No silver plate to be sold, until the same shall be marked with the initials of the worker's name, &c.

note the year as aforesaid, and with the mark of the company within whose office such plate shall be assayed and marked, upon pain that all such silver vessels, plate, or other manufactured silver, (except such things as by reason of their smallness or thinness are not capable of receiving a touch), which shall be made, exposed to sale, exchanged, or exported, contrary to this act, shall be forfeited, or the value thereof, one moiety thereof to the King's majesty, his heirs and successors, and the other moiety thereof to such person or persons as will sue for the same; to be recovered by action of debt, bill, suit, or information, in any court of record in any county or place wherein such offence shall be committed, and wherein no essoin, protection, wager of law, or any more than one imparlance, shall be allowed.

Peculiar marks of the Birmingham and Sheffield companies.

Assayers to be elected by both companies,

V. And be it further enacted by the authority aforesaid, That the peculiar marks of the said companies, directed to be used as aforesaid, shall be as follows; that is to say, for the *Birmingham* company, an anchor; and for the *Sheffield* company, a crown.

VI. And be it further enacted by the authority aforesaid, That each of the said companies shall, from time to time, elect and chuse, in manner aforesaid, one or more able and skilful person or persons, experienced in the assaying of silver, to be the assayer or assayers; and that such person or persons so chosen shall continue in the said office during his or their life or lives, unless he or they shall neglect to attend the said business, or shall die, or be rendered incapable of executing the said office of assayer; for which said assayer or assayers it shall and may be lawful to detain eight grains only from every pound *troy* of silver he or they shall assay, four grains whereof shall be put into the box of diet, and the other four grains shall be allowed him towards his waste and spillings in making the said assays; and every assayer and assayers, chosen in pursuance of this act, immediately after his or their election or elections, and before he or they take upon himself or themselves the execution of the said office, shall enter into one bond or obligation to the master of his Majesty's mint for the time being, with two sufficient sureties, to be approved of by the said master, in the penalty of five hundred pounds, for the execution of the said office, and for the due payment of all such fines and sums of money as are and shall be charged and imposed on him or them by this act, for neglect or fraud in the execution of the said office; and shall also take and subscribe the oath following; *videlicet*,

Assayer's oath.

I A. B. do swear, That I will be faithful and true to our sovereign Lord King George, and will, so long as I continue an assayer, well and faithfully behave myself in the said office; and no undue profit to myself take, to the hurt or hinderance of any person that is owner or bringer of any silver in plate to be assayed, except of wrought plate only, four grains of every pound weight to be taken and put into the box of diet, and other four grains to be taken likewise of every pound weight of plate wrought, (and not otherwise,) towards my waste and spillings

spillings in making the said assays; and that I will touch no silver but what shall be of the goodness of and according to the standard of this kingdom, which, for the time being, is or shall be appointed by law for wrought plate, or better; and all such silver as shall be brought to me to be touched, I will carefully examine, to see if it be of all one sort of silver, and forward enough in the workmanship, and whether all the pieces be fixed together that are intended to be affixed together, and whether it be not charged with unnecessary solder; and if I find the same liable to either of the objections aforesaid, I will not assay the same; and that I will truly set down in writing all such silver as shall be brought to me to be touched, and the same, at all times, as I shall be required, will duly and truly deliver again, (except eight grains as aforesaid;) and will true accounts make thereof, when required by the wardens of the company wherein I am chosen assayer; and that I will no assays make of things new wrought, before that they be marked with the mark of the maker or owner thereof; and that I will, according to the best of my skill and judgement, make every assay so, and in such sort and manner, as may best ascertain the true intrinsic standard of such plate so to be assayed; and that I will not put, or willingly suffer to be put, into the aforesaid box, any silver but that silver which has been scraped and taken in my presence from the plate which I shall assay and pass for standard; and that I will not, by myself, or in partnership with any other person, directly or indirectly, be concerned in the buying or selling of silver bullion, or in the manufacturing of wrought plate.

So help me God.

which oath the master of his Majesty's mint in the tower of London for the time being, or in his absence his deputy in the said office, is hereby required and impowered to administer to such assayer.

VII. Provided always nevertheless, and be it enacted by the authority aforesaid, That if any person chosen assayer in pursuance of this act, shall neglect to attend the said business, or shall die, or be rendered incapable of executing the said office; that then, and in either of the said cases, it shall and may be lawful to and for that company to whom such assayer did belong to elect and chuse, in manner aforesaid, one other fit and proper person to be the assayer, in the place and stead of the assayer fallen under either of the descriptions aforesaid.

On death of assayer, &c. company to elect another.

VIII. And be it further enacted by the authority aforesaid, That each of the said companies shall find and provide, within their respective towns, a proper place for an office for receiving in, assaying, and delivering out all wrought plate that shall be brought to be assayed in pursuance of this act; and that all wrought plate that shall be there brought for the purpose aforesaid shall be examined by two of the wardens and assayer of the said company, to see if it be all of one sort of silver, and forward enough in the workmanship, and whether all the pieces be affixed together that are intended to be affixed together, and whether it be marked with the maker or owner's mark, or be

Each company to provide an assay office; and the wrought plate to be examined by two wardens and an assayer.

not

not charged with unnecessary solder; and that if they shall find any of such plate liable to either of the objections aforesaid, that then they shall return the same without making any assay thereof; but if they shall find such plate free from all the objections aforesaid, that then there shall be drawn, scraped, or cut off, in the presence of two of the wardens and assayer, so much from each piece, in proportion to the weight thereof, as will not exceed in the whole the rate of eight grains for every pound weight; and the drawings, scrapings, or cuttings off, from each piece, shall immediately after be divided into moieties in the presence of the said wardens and assayer; and a moiety of the drawings, scrapings, or cuttings off, from each piece, be delivered to the assayer, for him to make his assays, and the other moiety shall be locked up with three different locks in a box to be provided for that purpose, (which shall be called *The Assayer's Box*,) and the respective keys thereof shall be kept by two of the wardens and assayer of such respective company by whom such assayers shall be elected and chosen.

If base metal be found in any piece of plate, the same shall be broken, and the value forfeited.

IX. And be it further enacted by the authority aforesaid, That if on view of any of the said plate so brought to be assayed, and after weighing the same in water, and trying the effect of magnetism, the wardens and assayer, or either of them shall have suspicion of iron, or other base metal, being introduced or concealed in any piece of plate so brought to be assayed; that then it shall and may be lawful to and for the said wardens and assayer to cut the same, or cause the same, in their presence to be cut; and if upon cutting thereof any unnecessary iron, or other base metal, shall be found therein, the said piece of plate shall be broken and defaced, and they are hereby authorised and directed to break and deface the same; and the said plate, or the value thereof, shall be forfeited to the said wardens and assayer, and the produce thereof be by them applied towards the expences of the assay office.

If no base metal be found on cutting such plate, recompence to be made.

X. Provided always, nevertheless, and be it enacted by the authority aforesaid, That if on cutting such plate, by authority aforesaid, no unnecessary iron, or other base metal, shall be found therein; that then, and in such case, the said wardens, and assayer shall forthwith make a recompence and satisfaction, in money, to the owner of such plate, to the full amount of the damage done to the same, and charge the same to the account of the expences of the assay office.

Drawings, scrapings, &c. how to be disposed of.

XI. And be it further enacted by the authority aforesaid, That the moiety of the drawings, scrapings, or cuttings off, of each piece so brought to the assay office as aforesaid, and the moiety thereof to be locked up in the assayer's box as aforesaid, shall be put in separate papers, and marked with corresponding numbers, and the assayer shall make his report to the wardens upon each piece; and such of the said numbers, as the assayer shall report to be worse than standard, the pieces of plate corresponding with such numbers shall be broke to pieces in the presence of the said wardens and assayer, and returned to the owner,

owner, he paying sixpence *per* ounce to the assayer for assaying the same; and such numbers as the said assayer shall report to be standard or better, the pieces of plate corresponding with such numbers shall be forthwith marked in the presence of the wardens and assayer, with the company's mark, and delivered to the owner or bringer of such plate, (he paying for making the assay thereof such sums of money as are herein-after directed to be paid for the same;) and the scrapings belonging to such corresponding numbers which shall be so reported standard, or better, shall be taken out of the assayer's box and be folded up, and the name of the maker of the plate indorsed thereon, and immediately deposited in a box to be provided for that purpose, (which shall be called *The Diet Box*,) and which box shall be locked with three different locks, and the respective keys thereof shall be kept by two of the said wardens and assayer; and which said box shall never after be opened but in the presence of the said wardens and assayer, or any of the diet taken thereout, but for the purpose of trial thereof annually, as hereafter is mentioned; and the moiety of the scrapings, drawings, and cuttings off, which shall be delivered to the assayer for the purpose of assaying, or so much thereof as shall remain after such process, shall, in the presence of the wardens, be put by the assayer together in the assayer's box, in a part thereof to be appropriated for that purpose, to be disposed of as by this act is hereafter directed.

XII. Provided always nevertheless, and be it enacted by the authority aforesaid, That if any plate so brought to be assayed shall be reported to be of the standard of eleven ounces ten-penny weight, or better, that then the moiety of the drawings, scrapings, or cuttings off from such plate, shall be put in the diet box, in a part thereof to be appropriated for that purpose, and not blended with the other diet, to the intent that the diet of plate of each of the aforesaid standards may be separately tried on the annual trial of the diet herein-after directed.

XIII. And be it further enacted by the authority aforesaid, That on or before the twenty-ninth day of *September* next, every silversmith or plate-worker inhabiting in either of the towns aforesaid, or within twenty miles of either of them, and also every person who, at any time after the said twenty-ninth day of *September*, shall follow the trade of a silversmith or plate-worker, before he takes upon him to exercise either of the said trades shall enter his name and his mark, and place of abode, with the wardens of that company nearest which he shall reside, which shall be done by the said wardens upon demand, without fee or reward; and if any such silversmith or plate worker shall not enter his name and mark, and place of abode, as aforesaid, or shall reside and carry on his said trade in any other place than what he has so entered as the place of his abode, and shall not have entered his removal, or shall strike any other mark on plate than what is so entered, such silversmith or plate worker so offending shall forfeit the sum of one hundred pounds, to be recovered and disposed of as aforesaid.

Proviso.

Silversmith or plate-worker not entering his name with the wardens of that company nearest which he shall reside,

shall forfeit 100l.

XIV.

Persons coun-
terfeiting of
marks or
stamps used
by the said
companies ;

XIV. And be it further enacted by the authority aforesaid, That if any person whatsoever shall cast, forge, or counterfeit, or cause or procure to be cast, forged, or counterfeited, any mark or stamp used, or to be used, for marking plate, in pursuance of this act, or by any maker or worker of silver plate, or any or either of them ; or shall cast, forge, or counterfeit, or cause or procure to be cast, forged, or counterfeited, any mark, stamp, or impression, in imitation of, or to resemble any mark, stamp, or impression made, or to be made, with any mark or stamp used, or to be used, as aforesaid, by the said companies respectively, or by any maker or worker of silver plate, or any or either of them ; or shall mark or stamp, or cause or procure to be marked or stamped, any silver wrought plate with any mark or stamp which hath been or shall be forged or counterfeited in imitation of, or to resemble any mark or stamp used, or to be used, as aforesaid, by the said companies respectively, or by any maker or worker of silver plate, or any or either of them ; or shall transpose or remove, or cause or procure to be transposed or removed, from one piece of wrought plate to another, or to any plated vessel, or to any vessel of base metal, any mark, stamp, or impression, made, or to be made, by or with any mark or stamp used, or to be used, as aforesaid, by the said companies respectively, or by any maker, or worker of silver plate, or any or either of them ; or shall sell, exchange, or expose to sale, or export out of this kingdom, any silver wrought plate, or any vessel of base metal, with any such forged or counterfeit mark, stamp, or impression thereon, or any mark, stamp, or impression, which hath been or shall be transposed or removed from any other piece of plate, knowing such mark, stamp, or impression, to be forged, counterfeited, or transposed, or removed, as aforesaid ; or shall wilfully or knowingly have or be possessed of any mark or stamp which hath been, or shall be, forged or counterfeited, in imitation of, or to resemble any mark or stamp used, or to be used, as aforesaid, by the said companies respectively, or by any maker or worker of silver plate, or any or either of them ; every such person offending in any, each, or either of the cases aforesaid, being thereof lawfully convicted, shall, by order of the court before whom such offender shall be convicted, be transported to some of his Majesty's colonies or plantations in *America* for the term of fourteen years.

or transposing
stamps from
one piece to
another, and
exposing such
to sale ;

shall, on con-
viction, be
transported to
America for
14 years.

Dealers in
plated metal
causing letters
to be struck
thereon, to
forfeit 100l.

XV. And be it further enacted by the authority aforesaid, That if any working silversmith or dealer in wrought plate, or any worker or dealer in any other metal plated or covered with silver, shall strike, or cause to be struck, any letter or letters upon any vessel, or other thing made of metal plated or covered with silver, or upon any metal vessel, or other thing made to look like silver ; such person or persons so offending shall forfeit the sum of one hundred pounds ; to be recovered and disposed of as aforesaid.

Assayers to
take not ex-
ceeding 1s. for

XVI. And be it further enacted by the authority aforesaid, That all and every silversmith and plate-worker shall first fix
his

his or their mark upon his or their plate which shall be made every lb. troy from and after the twenty ninth day of *September* next, (except of wrought such things which by reason of their smallness or thinness are plate assayed, are not capable of receiving the touch,) and shall then bring or send the same to the office where they shall have entered their mark, and place of abode, and the same shall be there assayed according to this act; and if by the assayer it shall be found to be of the fineness of standard, which for the time being is or shall be appointed by law for wrought plate, or better, then the same shall be marked with the company's mark, in the presence of the wardens and assayer; and that it shall and may be lawful to and for the said assayer, or such other person as the wardens for the time being of each respective company shall appoint, to ask, demand, take, and receive, of and from all and every such person and persons as shall, from time to time, bring to the assay office belonging to the said company any piece or parcel of wrought plate to be assayed, tried, and marked, such prices, sums of money, or rewards, as they shall think fit, so as such prices, sums of money, or rewards, do not exceed the sum of one shilling for every pound *Troy*, and so proportionably for every greater or less quantity of plate so assayed and marked.

XVII. Provided nevertheless, That if any parcel or single piece of wrought plate shall be brought or sent to the said office to be assayed, which, according to the rate or price herein-before limited, shall not amount to the sum of one shilling, then there shall be paid for assaying and marking such parcel or single piece of wrought plate a sum of money or reward not exceeding one shilling; any thing herein contained to the contrary in anywise notwithstanding.

XVIII. And be it further enacted by the authority aforesaid, That the assayers so to be chosen by virtue of this act as aforesaid shall not discover, by description, in words, or otherwise, to any person or persons whatsoever, any pattern, design or invention, of any piece of silver plate brought, or to be brought, to the office to be assayed as aforesaid, or permit the same to be viewed or seen by any person whomsoever, but the wardens and other persons necessarily employed, or to be employed, in the said office; and also shall keep a book or books, wherein shall be entered the names of every owner of plate brought to be assayed, and the assortment of plate assayed, and an account of the money received for the assaying thereof, and likewise an account of the monies arising from the scrapings and cuttings-off of the said plate so brought to be assayed, when the same shall be sold in manner herein-after directed, and also an account of the officers and servants salaries and wages, and other incidental expences attending the carrying this act into execution; and that every member of each respective company shall have free access to the said books, and to the inspection thereof.

XIX. And be it further enacted by the authority aforesaid, That the marks belonging to each of the said respective companies shall be locked up in a box with three different locks, and the of which are

to be kept by two wardens and an assayer; and all plate marked in their presence.

On connivance of the wardens, if the assayer discover patterns, &c. he shall forfeit 200l.

the respective keys thereof shall be kept by two of the wardens and assayer of such respective company, and shall never be taken thereout but in the presence of two of the said wardens, and assayer, for the purpose of marking the plate which shall have been assayed and reported standard, and which plate shall be marked in the presence of two of the said wardens and assayer, and the marks immediately after locked up in manner aforesaid: and that if by connivance of the said wardens the assayer shall mark, or suffer to be marked, any plate with the company's mark, any otherwise than in the presence of the two wardens; or if he shall mark any plate that has not been duly assayed and found standard; or if he shall discover, by description, in words, or otherwise, to any person or persons whatsoever, any pattern, design, or invention, of any piece of silver plate brought to the office to be assayed as aforesaid; or wittingly or willingly permit or suffer the same to be viewed or seen by any person whomsoever, but the wardens and other persons necessarily employed in the said office; he shall forfeit and pay the sum of two hundred pounds; to be recovered and disposed of in manner aforesaid, and shall be turned out of his office, and be rendered ever after incapable of exercising the office of an assayer.

Scrapings and cuttings to be weighed four times in every year.

XX. And be it further enacted by the authority aforesaid, That the assayer of each respective company shall, four times in every year, duly weigh, in the presence of the wardens of the said company, all the scrapings and cuttings-off of silver deposited in the assayer's box, after report thereof made as aforesaid, and enter the true weight thereof in a book to be kept for that purpose; and that when the same is so weighed and entered, it shall and may be lawful to and for the said wardens to sell and dispose thereof, and, after entering an account of the produce thereof in the book belonging to such company, containing their receipts and payments for and on the account of the assay office, pay and apply the same for and towards such payments.

Diet box to be, once in every year, opened in the presence of the assayer and the four wardens;

XXI. And be it further enacted by the authority aforesaid, That the diet box belonging to each of the said companies, shall, once in every year, be opened in the presence of the assayer and the four wardens belonging to each company, and the diet therein be taken out and carefully packed up in two separate parcels, if of different standards, without opening the papers containing the same, and carefully secured and sealed with the respective seals of the said wardens and assayer, and by them, in each other's presence, delivered to a messenger, to be by him conveyed to his Majesty's mint in the tower of *London*, and delivered to the master of the mint, or his deputy, taking a receipt from him who shall so receive it for the same, which receipt the said master, or his deputy, are hereby directed to give; and that the messenger conveying the same shall, at the time of the delivering thereof to the said master, or his deputy, make oath before the said master, or his deputy, (which oath the said master, or his deputy, are hereby authorised and directed to administer,) that he received the box or parcel (as the case may be)

and conveyed to the mint.

be) from the wardens and assayer of the company, so sealed as on the delivery thereof, and that the same had not been opened after he had so received the same.

XXII. And be it further enacted by the authority aforesaid, That the master of his Majesty's mint for the time being, or his deputy, shall, within fourteen days next after the said diet shall have been so delivered over to him as aforesaid, prefer a memorial to the lord high treasurer of *Great Britain*, or lords commissioners of his Majesty's treasury for the time being, requesting a time to be fixed for the trial of the said diet by the King's assay-master of his Majesty's mint before the lord high treasurer of *Great Britain*, or lords commissioners of his Majesty's treasury for the time being, or whom he or they appoint; and that the said master of the mint, or his deputy, shall, by letter, to be sent by the general post, give such assayer, whose diet is to be tried, notice of the time and place appointed for such trial, that he may be present, if he thinks fit; and shall, on that day whereon the lord high treasurer of *Great Britain*, or lords commissioners of his Majesty's treasury for the time being, shall appoint, and in the presence of him or them, or of such persons to be appointed by him or them, as aforesaid, deliver the said diet, so received by him as aforesaid, unopened to his Majesty's assay-master of the mint aforesaid, who, in the presence of the lord high treasurer of *Great Britain*, or lords commissioners of his Majesty's treasury, or of such persons to be appointed as aforesaid, shall duly assay and try the same by the indented pieces herein-after directed to be made, in such manner as by the persons then present shall be thought necessary, and make a true report thereof; and if upon such trial the same shall be found agreeable in fineness to the said respective indented trial pieces, or better, that then his said Majesty's assay-master shall return the said diet to, or to the order of the wardens and assay-master of the company aforesaid, who are hereby authorized to sell and dispose thereof; and having entered the produce thereof in the book of accounts of the receipts and payments relative to the assay office from whence such diet shall be sent, to pay and apply such produce for and towards the necessary expence of such office.

XXIII. Provided always nevertheless, and be it enacted by the authority aforesaid, That if, on the said trial, the said diet shall be found not agreeable in fineness with the said trial pieces, according to the respective standards thereof, but worse; that then, and in such case, the assayer belonging to that company, whose diet shall be so tried, shall forfeit and pay the sum of two hundred pounds to be recovered and disposed of as aforesaid, and shall ever after be rendered incapable of acting as an assayer.

XXIV. Provided also, and it is hereby enacted and declared, That in case the said prices, sums of money, or rewards, hereby given, granted, or allowed, to each company, in each of the said towns respectively, for the assaying and marking wrought

Master of the mint to prefer a memorial to the lords of the treasury, for trial of the diet by the King's assay-master;

giving notice by post to the assayer, to be present.

If the diet is not found sufficient in fineness, the assayer shall forfeit 200 l.

Overplus of money arising to be applied in prosecuting offenders.

plate, shall raise more money than shall be sufficient to defray the necessary expences of the said respective assay offices, then the overplus money (if any) shall be respectively applied by each company, from time to time, in the prosecuting offenders against this act; and if such prosecutions shall not require the whole of such overplus, that then the said prices, sums of money, or rewards, shall afterwards be lessened in proportion by the respective companies aforesaid; and they are hereby required to take to much less for the assaying, trying, and marking, wrought plate, for the future, as will answer the purposes aforesaid only, without bringing any profit to any of the said respective companies; any thing herein contained to the contrary thereof in anywise notwithstanding.

Two indented trial pieces to be made by the wardens and assayer; which shall be tried at the mint by the assay-master.

XXV. And be it further enacted by the authority aforesaid, That the wardens and assayer of each of the said respective companies shall, from time to time, as occasion shall require, make, or cause to be made, two indented trial pieces, whereof one shall be of the standard of eleven ounces two pennyweight of fine silver, and eighteen pennyweight of alloy in the pound weight *troy*, and the other of the standard of eleven ounces ten penny weight of fine silver, and ten penny weight of alloy in the pound weight *troy*; and after the said two trial pieces shall be made as aforesaid, they shall be brought to his Majesty's mint in the tower of *London*, and there be assayed and tried by his Majesty's assay-master; and when the same shall have been to assayed and tried, and found to be of the respective standards aforesaid, one moiety of each piece shall be delivered back to the assayer who brought the same, and such moieties shall be deposited by him in his office as guides for trying such plate as shall be brought to his office to be assayed, and the other moieties shall remain in his Majesty's mint, in the custody of the master and worker for the time being, thereby to try the diet directed to be assayed by his Majesty's assay-master as aforesaid.

Sums payable yearly to the master of his Majesty's mint.

XXVI. And it is hereby further enacted by the authority aforesaid, That each of the said respective companies shall, before the assay of their diet, yearly and every year, pay to the master of his Majesty's mint, or his deputy, for the use of his deputy, and to the King's assay-master, the several sums following; (that is to say,) to the master of his Majesty's mint, or his deputy, the sum of three pounds three shillings, and to the King's assay-master the sum of ten pounds ten shillings by way of recompence for the trouble and expence they will respectively have and incur by means of the trial of the said diet, in manner aforesaid.

Companies to make bye-laws.

XXVII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said respective companies, or the major part of them, and they are hereby authorised and empowered, from time to time, to make bye-laws, rules, and orders, for the well-government and management of their respective offices, and for fixing the salaries and rewards of their respective officers, and for fixing the time and manner for receiving in and delivering out plate brought to be assayed,

assayed, and for every other purpose relative to the conduct or management of such office, so as such bye-laws, rules, and orders, do not in any respect contradict this act, or the laws of the realm.

XXVIII. And be it further enacted by the authority aforesaid, That each of the wardens of the said companies shall after his election, and before he takes upon him the execution of the said office, take and subscribe the following oath; *videlicet*, Wardens to subscribe the following oath.

I A. B. do swear, That I will, so long as I continue a warden, well and faithfully behave myself in the said office; and that I will not discover, by description in words or otherwise, to any person or persons whatsoever, any pattern, design, or invention, of any piece of silver plate, brought, or to be brought, to the office to be assayed, or willingly or willingly permit the same to be viewed or seen by any person whomsoever, but the persons necessarily employed, or to be employed, in the assay office; and that I will in all things conform to the rules laid down for my conduct in an act of parliament, passed in the thirteenth year of the reign of King George the third, (intituled, an act for appointing wardens and assay-masters for assaying wrought plate in the towns of Sheffield and Birmingham.)

So help me GOD.

which oath any justice of peace residing in the county where such office is established is hereby required and empowered to administer to such wardens.

XXIX. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time hereafter recover judgement in any court of record against any assay-master of either of the companies aforesaid, for any penalty imposed on him by this act, for neglect or fraud in the execution of his office, and such penalty, together with the costs adjudged, shall not be paid within the time prescribed by that court, wherein such judgement shall be obtained; that then and in such case, it shall and may be lawful to and for the master of his Majesty's mint for the time being, and he is hereby authorised and directed to assign over to such person or persons so recovering such judgement the said bond or obligation so directed to be entered into by the said assayer and his sureties to the master of his Majesty's mint, as aforesaid, in order to enable such person or persons to bring one or more action or actions thereon against such assayer and his sureties, or either of them, or the heirs, executors, or administrators of them, or either of them, for the recovery of such penalty so recovered against the assayer, together with the costs adjudged; in which last-mentioned action or actions it shall be sufficient for the plaintiff to prove the execution of the said bond, and of the assignment thereof, and the former judgement recovered against the assayer, in order to intitle such plaintiff to judgement and execution.

Persons recovering judgement against an assay master, and not being paid the penalty adjudged, may have the assay-master's bond assigned to him.

XXX. Provided always nevertheless, and it is hereby enacted by the authority aforesaid, That if in any action to be brought If in any action brought on the bond,

verdict be given for the defendant, costs shall be paid by the assignee.

Publick act.

on the same bond, as last aforesaid, a verdict should be given for the defendant, or the plaintiff be nonsuited, that then the costs of such verdict or nonsuit shall be paid by the assignee of such bond, and the master of his Majesty's mint be wholly exonerated and discharged therefrom; any law, usage, or statute, to the contrary in any-wise notwithstanding.

XXXI. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a publick act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whatsoever, without specially pleading the same.

C A P. LIII.

An act to enable the inhabitants of the parish of Saint Matthew Bethnal-Green, in the county of Middlesex, to pay debts already contracted in finishing and furnishing their workhouse, and on account of the poor of the said parish; and for their further relief.

C A P. LIV.

An act for the more effectual preservation of the game in that part of Great Britain called Scotland; and for repealing and amending several of the laws now in being relative thereto.

Preamble.

WHEREAS the laws already made for the preservation of game in that part of Great Britain called Scotland are found, by experience, to be insufficient for that purpose, without being altered and amended; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That every person who shall wilfully take, kill, destroy, carry, sell, buy, or have in his or her possession, or use any muir fowl or tarmargan, between the tenth day of *December* and the twelfth day of *August* in any year; or any heath fowl, between the tenth day of *December* and the twentieth day of *August* in any year; or any partridge, between the first day of *February* and the first day of *September* in any year; or any pheasant, between the first day of *February* and the first day of *October* in any year; shall, for every bird so taken, killed, destroyed, carried, sold, bought, found, or used, forfeit and pay the sum of five pounds sterling: and in case of not paying the sum decreed within the space of ten days after conviction by a final sentence, shall suffer imprisonment for two months for each five pounds sterling thereof.

Persons taking, killing, selling, or buying, muir fowl, &c. between Dec. 10, and Aug. 12, &c. shall forfeit, for every bird so destroyed, 5l.

Not to extend to pheasants, &c. taken in the seasons allowed, and kept in breeding places.

Any person not qualified to kill game,

II. Provided always, That nothing in this act shall extend to any pheasant or partridge which shall be taken in the seasons allowed by this act, and kept in any mew or breeding place.

III. And be it further enacted by the authority aforesaid, That every person whatsoever, not qualified to kill game in *Scotland*, who shall have in his or her custody, or carry, at any time

of

of the year, upon any pretence whatsoever, any hares, partridges, pheasants, muir fowl, tarmargans, heath fowl, snipes, or quails, without the leave or order of a person qualified to kill game in *Scotland*, for carrying such hares, or other game, or for having the same in his or her custody, shall, for the first offence, forfeit and pay the sum of twenty shillings sterling; and for the second, and every other subsequent offence, the sum of forty shillings sterling; and in case of not paying the sum decreed within the space of ten days after conviction by a final judgement, shall suffer imprisonment for six weeks for the first offence, and for three months for the second, and every other subsequent offence.

having game in his custody, without leave of persons qualified, to forfeit 20s. for the first, and for every other offence 40s.

IV. And be it enacted by the authority aforesaid, That every person who shall make muirburn, or set fire to any heath or muir, in that part of *Great Britain* called *Scotland*, from the eleventh day of *April* to the first day of *November* in any year, shall forfeit and pay the sum of forty shillings sterling for the first offence, five pounds sterling for the second offence, and ten pounds sterling for the third and every other subsequent offence: and in case of not paying the sum decreed within the space of ten days after conviction by a final judgement, shall suffer imprisonment for six weeks for the first offence, two months for the second, and three months for the third and every other subsequent offence.

Penalties for first and subsequent offences on persons making muirburn from April 11. to Nov. 1.

V. And be it further enacted by the authority aforesaid, That the tenant, possessor, or occupier of the ground upon which such muirburn shall be made or discovered within the forbidden time aforesaid, shall be deemed and taken to be guilty of the offence, and shall be liable to the several penalties aforesaid, unless such tenant, possessor, or occupier, shall prove, to the satisfaction of the court before which he or she shall be prosecuted, that such fire was communicated from some neighbouring ground, or was raised upon his or her ground by some other person not in his or her service or family.

If any muirburn be discovered within the time forbidden, occupiers of the ground to be liable, unless they shall prove the contrary.

VI. Provided always, and be it enacted by the authority aforesaid, That every proprietor of high and wet muir lands, the heath upon which frequently cannot be burnt so early as the eleventh day of *April*, may, when such lands are in his own occupation, burn the heath upon the same at any time between the eleventh and twenty-fifth day of *April* in any year, without incurring any of the penalties before mentioned; and when such lands are let, the proprietor, or his commissioner or factor, may, by a writing under his or their hands, authorise his tenant or tenants in such lands to burn the heath thereon, at any time between the eleventh and twenty-fifth day of *April*, in any year, without incurring any of the penalties before mentioned.

Proprietors of wet lands in their own occupation may burn heath between the 11th & 25th April; or may authorise their tenants so to do.

VII. Provided also, That the writing authorising such burning, when the lands are in the occupation of a tenant, shall, previous to such burning, be recorded in the sheriff or steward court books of the county or stewartry within which the lands are,

Writings authorising tenants to burn heath, as aforesaid, to

be recorded
in the sheriff
court books.

Offences may
be enquired
into and de-
termined by
the justices,
&c.

Persons con-
victed to pay
the penalties
within ten
days, or the
same may be
levied by
distress.

In case the
penalty can-
not be reco-
vered by dis-
tress, offend-
ers to be com-
mitted.

Penalties and
forfeitures
how to be ap-
plied.

and which the sheriff or steward clerk of such county, or stew-
artry, is hereby ordered and directed to do, upon receiving pay-
ment of the fees usually paid for recording writings.

VIII. And be it further enacted by the authority aforesaid,
That all offences against this act shall and may be enquired
into and determined, either by the oath or oaths of one or more
credible witness or witnesses, or by the confession or oaths of
the parties accused, before any two or more of his Majesty's
justices of the peace, or before the sheriff, or steward-depute, or
substitute, of the county where the offence shall be committed,
or where the offender shall be found; and that all prosecutions
for offences against this act shall be carried on, either at the
instance of the fiscal of the court in which the prosecution is
brought, or of any other person who will inform or complain.

IX. And be it further enacted by the authority aforesaid,
That if any person convicted of any of the offences against this
act shall not pay the penalty or forfeiture decreed against him or
her, within the space of ten days from and after a final judge-
ment of conviction, it shall and may be lawful for the justices
of the peace, sheriff, or steward-depute, or substitute before
whom the information, complaint, or action may have been
brought, upon the application of the prosecutor, to grant war-
rant for levying the penalties or forfeitures, by immediate dis-
tress and sale of the offenders goods and moveables, together
with the costs and charges attending the levying thereof, return-
ing the overplus, if any be, to the owner; or to grant warrant
for committing the offender to the common gaol of the county,
for the time specified in this act, as satisfaction for the penalty
or forfeiture incurred, or until payment: and in case a warrant
for levying the penalty by distress and sale of the offender's
goods and moveables shall be first applied for and obtained,
and that the penalty or forfeiture shall not be recovered in con-
sequence thereof, it shall and may be lawful for the justices of
peace, sheriff, or steward-depute, or substitute, who granted the
warrant for levying the penalty or forfeiture by distress and sale
of the offender's goods and moveables, upon its being certified
to him or them by the officer employed in executing the war-
rant, either that he has been able to recover no part of the
penalty or forfeiture, or that a certain part, to be certified by
him, still remains unrecovered, to grant warrant for committing
the offender to the common gaol of the county for the time
specified in this act, as satisfaction for the penalty or forfeiture
incurred, or until compleat payment shall be made of the
penalty or forfeiture incurred and decreed.

X. And be it further enacted by the authority aforesaid,
That one moiety of the penalties or forfeitures to be incurred
for any offence against this act, shall, when recovered, be paid
to the prosecutor, and the other moiety shall be applied to the
use of the poor of the parish, or to the repairing of the high
roads within the parish where the offence shall be committed,
as the justices of the peace, or the sheriff or steward-depute, or sub-
sub-

substitute, shall direct, before whom the offender shall be convicted.

XI. Provided always, and be it enacted by the authority aforesaid, That it shall and may be lawful to or for any person conceiving himself or herself aggrieved by any decree of the justices of the peace, or sheriff, or steward-depute, or substitute, in such prosecutions, to complain and seek relief by appeal to the next circuit court of justiciary of the circuit wherein the county is where the decree is pronounced; or where there are no circuit courts, to the court of justiciary at *Edinburgh*, by taking and entering an appeal in open court, at the time of pronouncing such decree, or at any time thereafter within ten days, by lodging the same in the hands of the clerk of the court, and serving the adverse party with a duplicate thereof personally, or at his dwelling-house, or his procurator or agent in the cause; and such service shall be sufficient summons to oblige the prosecutor to attend and answer at the next circuit court which shall happen to be held, at least fifteen days after service, or at the first court of justiciary which shall be held at *Edinburgh*, in the case where there are no circuit courts, at least fifteen days after such service; and thereupon the judge or judges at such circuit court, or in the court of justiciary at *Edinburgh*, shall and may proceed to cognosce, hear, and determine: and in case they shall find the reasons of any such appeal not relevant, or not instructed, or shall determine against the party appealing, the judge or judges shall condemn the appellant in such costs of suit as shall appear to be just and reasonable, and the decree so pronounced shall be final and conclusive to the parties.

Persons thinking themselves aggrieved, may appeal to the next court of justiciary; and where there are no circuit courts, to the court of justiciary at *Edinburgh*.

Sentence of said court to be final.

XII. Provided also, and be it enacted by the authority aforesaid, That when an appeal is taken, the appellant, at the time of entering his or her appeal, shall lodge with the clerk of the court from which the appeal is taken a bond, with a sufficient cautioner, for paying the sum or sums contained in the decree appealed against, so far as affirmed and approved of by the judgment upon the appeal, and for paying the costs of suit, if any shall be awarded; and the clerk of court shall be answerable for the sufficiency of such cautioner.

Persons appealing to lodge a bond with the clerk of court for paying the sums appealed against, and for costs, &c.

XIII. Provided likewise, and be it enacted by the authority aforesaid, That in case any circuit court shall, on hearing any such appeal, find any such difficulty to arise, that by means thereof such circuit court cannot proceed to the determination of the same, consistently, with justice and the nature of the case; in any such case, and not otherwise, it shall and may be lawful to and for such circuit court to certify such appeal, together with the reasons of such difficulty, and the proceedings thereupon had before such circuit court, to the court of justiciary at *Edinburgh*, which is hereby authorized and required to proceed in and determine the same.

In case of any difficulty before the circuit court, &c. the proceedings thereupon may be laid before the justiciary court at *Edinburgh*, and be there finally determined.

XIV. Provided always, That no penalty or forfeiture in this act shall be recovered, unless the prosecution for recovering thereof shall be commenced within six months after the offence committed,

Limitation of actions.

XV. And

No person liable for such offence till after June 24.

XV. Provided also, That no person shall be liable to any of the penalties or forfeitures hereby enacted, except for such offence as shall be committed after the twenty-fourth day of June, one thousand seven hundred and seventy-three.

Act 24 Geo. 2.

XVI. And be it further enacted by the authority aforesaid, That from and after the passing of this present act, an act, passed in the twenty fourth year of his late majesty King George the Second, intituled, *An act for the better preservation of the*

Act 3 Geo. 3.

game in that part of Great Britain called Scotland; and an act, passed in the third year of his present Majesty, intituled, *An act for the better preservation of the game in that part of Great Britain called Scotland*; and for repealing part of an act, passed in the twenty-fourth year of his late Majesty, For the better preservation of

and act 6 Geo. 3. repealed.

the game in that part of *Great Britain called Scotland*; and so much of an act, passed in the sixth year of his present Majesty, intituled, *An act to extend an act, made in the fourth year of the reign of King George the First, intituled, An act for the further preventing robbery, burglary, and other felonies*; and for the more effectual transportation of felons, and unlawful exporters of wool; and for declaring the law, upon some points relative to pirates, to that part of *Great Britain called Scotland*, so far as the act relates to the more effectual transportation of felons; and for amending and rendering more effectual the laws for restraining muirburn in forbidden time, in that part of the united kingdom as limits the time for making muirburn; shall be, and are hereby declared to be repealed.

C A P. LV.

An act to explain and amend the several laws now in being, so far as the same relate to the preservation of the Moor or Hill Game.

Preamble.

WHEREAS the laws now in being, relative to the preservation of the moor or hill game, have been found very insufficient to answer the purpose for which they were intended: and whereas some further regulations are become absolutely necessary to prevent the total destruction of that species of game: may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twenty-fourth day of June, one thousand seven hundred and seventy-three, no person or persons shall, upon any pretence whatsoever, wilfully take, kill, destroy, carry, sell, buy, or have, in his, her, or their possession or use, any heath fowl, commonly called *Black Game*, between the tenth day of December and the twentieth day of August, in any year; nor any grouse, commonly called *Red Game*, between the tenth day of December and the twelfth day of August, in any year; nor any bustard, between the first day of March and the first day of September, in any year.

After 24 June 1773, no person wilfully to kill, &c. Black Game, between Dec. 10. and Aug. 20; nor Red Game, between Dec. 10. and Aug. 12.; nor any bustard, between March 1. and Sept. 1.

II. And

II. And be it further enacted by the authority aforesaid, Penalty on That from and after the said twenty-fourth day of *June*, if any persons of-
 person or persons shall, in any of the cases aforesaid, offend, con- tending con-
 trary to the true intent and meaning of this act, every such per- trary to this
 son shall, upon due conviction, for the first offence, forfeit and act.
 pay any sum or sums of money not exceeding twenty pounds,
 nor less than ten pounds; and for the second and every subse-
 quent offence, any sum or sums of money not exceeding thirty
 pounds, nor less than twenty pounds; to be levied and recover-
 ed in manner as herein is after mentioned.

III. And be it further enacted, That all such forfeitures Forfeitures
 and penalties, so to be incurred as aforesaid, shall and may be and penalties
 recovered by action of debt, bill, plaint, or information, in any may be reco-
 of his Majesty's courts of record at *Westminster*, or great sessions covered in any
 in *Wales*, wherein no essoin, protection, nor wager of law, nor court of rec-
 more than one imparlance, shall be allowed: provided such ord at West-
 action be brought within six calendar months after the matter minster;
 or thing done, for which the same shall be commenced or ex-
 hibited.

IV. And be it further enacted, That it shall and may be And by infor-
 lawful for any person whatsoever, (except the person liable to mation before
 pay any such forfeitures or penalties,) to proceed to recover any the justices of
 of the aforesaid forfeitures and penalties, by information and any county,
 conviction, before any justice or justices of the peace of any &c.
 county, city, corporation, division, riding, precinct, or liberty,
 wherein the offence shall happen; and such justice, or justices
 are hereby authorised and empowered, upon due proof made
 upon oath by one or more credible witnesses or witnesses, or by
 the confession of the party accused, to cause the said forfeiture
 to be forthwith paid; and, in case of neglect or refusal, to levy whom may grant
 the same by distress and sale of the offender's goods and chattels, warrant to
 by warrant under his or their hand and seal, or hands and seals, levy the same
 together with all costs and charges attending the same, return- by distress.
 ing the overplus, if any, to the owner; and every such forfei-
 ture, when paid or recovered, shall be applied, one moiety to
 the informer, and the other moiety to the poor of the parish
 where such offence shall have been committed; and it shall and
 may be lawful for such justice or justices to order such offender
 to be detained in safe custody until return may be conveniently
 had and made to such warrant of distress, unless the party so
 convicted shall give sufficient security, to the satisfaction of such
 justice or justices, for his appearance before him or them, on the
 day appointed for the return of the warrant of distress, such day
 not exceeding five days from the time of taking such security;
 which security the said justice or justices is and are hereby im-
 powered to take by way of recognizance, or otherwise: and in
 case no sufficient distress can be had, such justice or justices shall
 commit such offender to the common gaol, or house of correc-
 tion, there to be kept to hard labour for any time not exceeding
 six, nor less than three, calendar months, unless the money for-
 feited, and all costs and charges attending the prosecution, shall
 be sooner paid and discharged.

V. And

No person to
be doubly
prosecuted.

V. Provided always, and be it further enacted, That no offender against the provisions of this act shall be prosecuted for the same offence both by action of law and by information before a justice of the peace; but, in case of any second prosecution, the person so doubly prosecuted may plead in his defence, the former prosecution pending, or the conviction or judgement thereupon had.

Form of con-
viction.

VI. And, for the more easy conviction of offenders against this act, be it further enacted, That the form of the conviction shall be drawn up in the following, or like form of words;

BE it remembered, *That, on the* day of
in the year of our lord A. B.
having appeared before me, or us, one or more of
his Majesty's justices of the peace (as the case may be) *for the county*
of and due proof having been made, upon oath, by
one or more credible witnesses or witnesses, or by confession of the party,
(as the case may be,) *is convicted of* (specifying the offence, with
the time and place where the same was committed, and also
specifying, if known, that it is the first, second, or any subse-
quent offence against this act, as the case shall be.) *Given under*
my hand and seal, or our hands and seals, the day and year aforesaid.

which conviction the said justice or justices shall cause to be wrote fairly upon parchment, and returned to the next general quarter session of the peace for the county where such conviction was made, to be filed by the clerk of the peace, and remain and be kept among the records of the county, riding, division, or place.

Clerk to cause
a copy of the
conviction to
be delivered
on payment
of 1 s.

VII. Provided always, and be it further enacted, That it shall and may be lawful for any clerk of the peace for any county, riding, or place, and he is hereby required, upon application made to him by any person or persons for that purpose, to cause a copy or copies of any conviction or convictions, filed by him under the directions of this act, to be forthwith delivered to such person or persons, upon payment of one shilling for every such copy.

Justices may
administer an
oath.

VIII. And be it further enacted, That it shall and may be lawful for any such justice or justices of the peace, as aforesaid, to administer an oath to any witness or witnesses, or other person or persons, for the better discovery and execution of the several matters and things herein-before directed to be examined into, or performed, by such justice or justices respectively.

No person to
be proceeded
against for of-
fences unless
information is
made.

IX. Provided always, and be it further enacted, That no person shall be proceeded against for any of the offences aforesaid, by information before a justice of the peace, unless such information shall be made upon oath before some justice of the peace for the county or place wherein such offence shall be committed, within three calendar months after such offence shall have been committed.

X. And be it further enacted by the authority aforesaid,
That

That if any person shall think himself or herself aggrieved, by any thing done in pursuance of this act, by any justice or justices of the peace, as aforesaid, every such person may appeal to the justices of the peace at any general quarter sessions of the peace to be held for the county, riding, city, corporation, precinct, or liberty, wherein the cause of such complaint shall arise, and within four calendar months after the cause of such complaint shall have arisen, such appellant giving, or causing to be given, fourteen days notice at the least, in writing, of his or her intention to bring such appeal, and of the matter thereof, to the justice; and every other person or persons, against whom such complaint shall be made, and within four days after such notice, entering into a recognizance before some justice of the peace for the said county, riding, division, city, corporation, precinct, or liberty, with one sufficient surety, conditioned to try such appeal at, and abide the order of, and pay such costs, as shall be awarded by the justices at such quarter sessions; and every such justice, and other person, having received notice of such appeal, shall return all proceedings had before them, touching the matter of such appeal, to the said justices, at such quarter sessions, on pain of forfeiting five pounds for every such neglect; and the said justices, upon due proof of the notice given, and of the entering into such recognizance, as aforesaid, shall hear, and finally determine, the causes and matters of such appeal, in a summary way, and award such costs to the parties appealing or appealed against, as they shall think proper; to be levied and recovered as herein-before directed for the recovery of forfeitures and penalties under this act, and the determination of such quarter sessions, shall be final and conclusive to all intents and purposes; and no proceedings to be had or taken in pursuance of this act shall be quashed or vacated for want of form, or removed by *Certiorari*, or any other writ or process whatsoever, except as herein-before mentioned, into any of his Majesty's courts of record at *Westminster*, any law or statute to the contrary notwithstanding.

Persons aggrieved may appeal to the quarter-sessions;

whose determination shall be final.

XI. And be it further enacted, That nothing in this act contained shall extend to that part *Great Britain* called *Scotland*. Not to extend to Scotland.

XII. And be it further enacted, That if any action, suit, or information, shall be commenced or prosecuted against any person or persons for any thing which shall be done in pursuance of this act, or in execution of any of the powers or authorities hereby given, every such action, suit, or information, shall be commenced or prosecuted within the space of six calendar months next after the fact committed, and shall be laid or brought in the county, riding, division, or place, where the matter shall arise, and not elsewhere; and the defendant or defendants, in every such action, suit, or information, shall and may, at his or their election, plead specially, or the general issue, and give this act, and the special matter, in evidence: and if a verdict shall be given for the defendant; or if the plaintiff or plain-

General issue.

Treble costs.

plaintiffs shall be nonsuited, or discontinue his, her, or their action, suit, or information, after the defendant or defendants shall have appeared; or if, upon demurrer, judgement shall be given against the plaintiff or plaintiffs; then the defendant or defendants shall recover treble costs, and have such remedy for the same as any defendant or defendants hath or have in other cases by law.

Publick act.

XIII. And be it enacted by the authority aforesaid, That so much of an act, passed in the second year of his present Majesty's reign, intituled, *An act for the better preservation of the game in that part of Great Britain called England*, as relates to heath fowl, commonly called *Black Game*, or grouse, commonly called *Red Game*, shall be, and is hereby repealed.

C A P. LVI.

An act for the more effectually restraining the retailing of distilled spirituous liquors; and for preventing the forging or counterfeiting any stamp or seal used for marking silks, callicoes, linens, and stuffs, to be printed, painted, stained, or dyed, in Great Britain.

Preamble.

After July 5,

1773, if any person shall retail spirituous liquors, strong waters, &c. without a licence,

they shall forfeit, for every offence 50l.

If the offender shall be once prosecuted for the penalty, he shall not be again prosecuted for the same offence.

Penalties to be sued, prosecuted, and recovered by

WHEREAS the laws heretofore made to prevent the immoderate drinking of spirituous liquors, have, by reason of the smallness of the penalties by those acts imposed, been rendered in a great measure ineffectual, and ill-disposed persons are thereby encouraged to retail such liquors, without being first authorised and licensed thereto, whereby his Majesty is not only defrauded of his duties, but victuallers and others, who duly take out and pay for such licences, are greatly injured: for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if at any time from and after the fifth day of July, one thousand seven hundred and seventy-three, any person or persons shall presume by him, her, or themselves, or by any other person or persons whatsoever employed by him, her, or them, or for his, her, or their benefit, to retail any distilled spirituous liquors, or strong waters, without first taking out a licence for that purpose, in manner as by the several statutes in that case made and provided, and now in force is prescribed and directed, he, she, or they, so offending, shall respectively forfeit and lose the sum of fifty pounds for each offence.

II. Provided always, That such offender who shall be prosecuted for the penalty by this act given, shall not be again prosecuted for the same offence by any former act, and that such offender as shall be prosecuted for the penalty given by any former act, shall not be prosecuted again for the same offence, by virtue of this present act, or any thing herein contained.

III. And be it further enacted by the authority aforesaid, That the penalty by this act imposed, shall and may be sued for, levied, recovered, and mitigated, by any law of excise now in

in force, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; and that one moiety of every such penalty or forfeiture shall be to his Majesty, his heirs and successors, and the other moiety to him, her, or them, as shall sue for the same.

IV. Provided always, That the said penalty of fifty pounds, by this act imposed, shall not in any case, either by the commissioners of excise or justices of the peace, before whom any offender against this present act shall be convicted, be mitigated or reduced below the sum of five pounds.

V. *And whereas by an act passed in the tenth year of the reign of her late majesty Queen Anne, (intituled, An act for laying several duties upon all soap and paper made in Great Britain, or imported into the same; and upon chequered and striped linens imported; and upon certain silks, calicoes, linens, and stuffs, printed, painted, or stained; and upon several kinds of stamped vellum, parchment, and paper; and upon certain printed papers, pamphlets, and advertisements, for raising the sum of one million eight hundred thousand pounds, by way of a lottery, towards her Majesty's supply; and for licensing an additional number of hackney chairs; and for charging certain stocks of cards and dice; and for better securing her Majesty's duties to arise in the office for the stamp duties by licences for marriages and otherwise; and for relief of persons who have not claimed their lottery tickets in due time, or have lost exchequer bills, or lottery tickets; and for borrowing money upon stock (part of the capital of the South Sea Company, for the use of the publick;) it is, amongst other things, enacted, That there should be raised, levied, collected, and paid, to and for the use of her Majesty, her heirs and successors, for and upon all silks, calicoes, linens, and stuffs, of what kind soever, which at any time or times within or during the term of thirty-two years, to be reckoned from the twentieth day of June, one thousand seven hundred and twelve, should be printed, stained, painted, or dyed, in Great Britain, (such calicoes, linens, and fustians, as should be dyed throughout of one colour only, and stuffs made of woollen, or whereof the greatest part in value should be woollen, always excepted,) the several and respective rates and duties therein expressed: and whereas, by an act, passed in the third year of the reign of his late majesty King George the First, (intituled, An act for redeeming the duties and revenues which were settled to pay off principal and interest on the orders made forth on four lottery acts, passed in the ninth and tenth years of her late Majesty's reign; and for redeeming certain annuities payable on orders out of the hereditary excise, according to a former act in that behalf; and for establishing a general yearly fund, not only for the future payment of annuities at several rates, to be payable and transferrable at the bank of England, and redeemable by parliament; but also to raise monies for such proprietors of the said orders as shall chuse to be paid their principal and arrears of interest in ready money; and for making good such other deficiencies and payments as in this act are mentioned; and*

any law of excise now in force;

One moiety to go to his Majesty,

and the other to the person who shall sue for the same.

The penalty of 50 l. not to be mitigated below 5 l.

Act 10 Annæ.

Act 3 Geo 1.

Act 12 Annæ.

and for taking off the duties on linseed imported, and *British* linen exported;) *the said several rates and duties, and the powers, authorities, penalties, and forfeitures, for securing the same, are made perpetual: and whereas by an act of parliament, made in the twelfth year of the reign of her late majesty Queen Anne, (intituled, An act for laying additional duties on soap and paper, and upon certain linens, silks, callicoes, and stuffs; and upon starch and exported coals; and upon stamped vellum, parchment, and paper, for raising one million four hundred thousand pounds, by way of a lottery, for her Majesty's supply; and for allowances on exporting made wares of leather, sheep-skins, and lamb-skins; and for distribution of four thousand pounds due to the officers and seamen for gun money; and to adjust the property of tickets in former lotteries; and touching certain shares of stock in the capital of the South Sea Company; and for appropriating the monies granted to her Majesty;) it is, amongst other things, enacted, That there should be raised, levied, collected, and paid, to and for the use of her Majesty, her heirs and successors, for and upon all silks, callicoes, linens, and stuffs, of what kind soever, which at any time or times within or during the term of thirty-two years, to be reckoned from the second day of August, one thousand seven hundred and fourteen, should be printed, stained, painted, or dyed, in Great Britain, (such callicoes, linens, and fustians, as shall be dyed throughout of one colour only, and stuffs made of woollen, or whereof the greatest part in value shall be woollen, always excepted,) the several and respective rates and duties therein expressed: and whereas, by an act of parliament made in the sixth year, of the reign of his said late majesty King George the First, (intituled, An act for enabling the South Sea Company to increas'e their present capital stock and fund, by redeeming such publick debts and incumbrances as are therein mentioned; and for raising money to be applied for lessening several of the publick debts and incumbrances; and for calling in the present exchequer bills remaining uncanceled; and for making forth new bills in lieu thereof, to be circulated and exchanged, upon demand, at or near the exchequer;) the said several rates and duties, and the powers, authorities, penalties, and forfeitures, for securing the same, are made perpetual: and whereas, for the better securing the said rates and duties, it was by the said act of the tenth of Queen Anne enacted, That the commissioners to be appointed for managing the said duties should, at a time therein mentioned, provide proper seals or stamps for marking such of the said silks, callicoes, linens, and stuffs, to be printed, painted, stained, or dyed in Great Britain, during the continuance of the said act; which said stamps, or any of them should or might be altered or renewed from time to time, as her Majesty, her heirs or successors, should think fit: and it was thereby further enacted, That if any person or persons whatsoever should, at any time or times thereafter, counterfeit or forge any stamp or seal, to resemble any stamp or seal which should be provided or made in pursuance of that act, or should counterfeit or resemble the impression of the same upon any of the said commodities chargeable by that act, thereby to defraud her Majesty, her heirs*

Act 6 Geo. 1.

or

or successors, of any of the duties thereby granted; then every such person so offending, being thereof convicted in due form of law, should be adjudged a felon, and should suffer death as in cases of felony, without benefit of clergy: and whereas some doubts have arisen, whether persons counterfeiting or forging any stamp or seal, to resemble any stamp or seal renewed or altered by the commissioners of excise, in pursuance of the authority of the said act of the twelfth year of Queen Anne, or counterfeiting or resembling the impression of such renewed or altered stamp or seal, are subject to the penalties and pains of death in the said acts enacted and declared; and evil-minded persons have thereby been encouraged to counterfeit such renewed and altered stamps and seals: now, for obviating all such doubts, be it enacted by the authority aforesaid, That from and after the fifth day of July, one thousand seven hundred and seventy-three, if any person or persons whatsoever shall, at any time or times hereafter, counterfeit or forge any stamp or seal already provided by the said commissioners, or which shall hereafter be by them provided, renewed, or altered, or shall counterfeit or resemble the impression of the same, upon any of the said commodities chargeable by the said acts, thereby to defraud his Majesty, his heirs or successors, of any of the said duties thereby granted; then every such person so offending, being thereof convicted in due form of law, shall be adjudged a felon, and shall suffer death, as in cases of felony, without benefit of clergy.

After July 5, 1773, persons counterfeiting stamps or seals, to be punished as felons, without benefit of clergy.

C A P. LVII.

An act to explain and amend an act, made in the fourth year of his present Majesty, intituled, An act to prevent paper bills of credit, hereafter to be issued in any of his Majesty's colonies or plantations in America, from being declared to be a legal tender in payments of money, and to prevent the legal tender of such bills as are now subsisting from being prolonged beyond the periods limited for calling in and sinking the same.

WHEREAS by an act, passed in the fourth year of his present Majesty's reign, (intituled, An act to prevent paper bills of credit, hereafter to be issued in any of his Majesty's colonies or plantations in America, from being declared to be a legal tender in payments of money, and to prevent the legal tender of such bills as are now subsisting from being prolonged beyond the periods limited for calling in and sinking the same,) it is enacted, That from and after the first day of September, one thousand seven hundred and sixty-four, no act, order, resolution, or vote of assembly, in any of his Majesty's colonies or plantations in America, shall be made for creating or issuing any paper bills, or bills of credit, of any kind or denomination whatsoever, declaring such paper bills or bills of credit to be legal tender in payments of any bargains, contracts, debts, dues, or demands whatsoever; and that every clause and provision which should thereafter be inserted in any act, order,

Preamble;

resolution, or vote of assembly, contrary to the said act, shall be null and void: and whereas the want of gold and silver currency in several of his Majesty's colonies and plantations in America may make it necessary, as well for the publick advantage as in justice to those persons who may have demands upon the publick treasuries in the said colonies for services performed, that such publick creditors should be secured in the payment of their just debts and demands, by certificates, notes, bills, or debentures, to be created and issued by the authority of the general assemblies within the said colonies, on the securities of any taxes or duties given and granted to his Majesty by the said general assemblies, for and towards defraying expences incurred for publick services; and that such certificates, notes, bills, or debentures, should be made chargeable on the publick treasurers of the said colonies, and received and taken by them as a legal tender in discharge of any such duties or taxes, or of any debts whatsoever, due to the publick treasuries of the said colonies, in virtue of laws passed in the said colonies: and whereas doubts have arisen, whether, under the said recited statute, such provision as aforesaid can lawfully be made; may it therefore please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of September, one thousand seven hundred and seventy-three, any certificates, notes, bills, or debentures, which shall or may be voluntarily accepted by the creditors of the publick within any of the colonies in America, as a security for the payment of what is due and owing to the said publick creditors, may be made and enacted by the several general assemblies of the said colonies respectively to be a legal tender to the publick treasurers in the said colonies for the discharge of any duties, taxes, or other debts whatsoever, due to, and payable at, or in the said publick treasuries of the said colonies, in virtue of laws passed within the same, and in no other case whatsoever; any thing in the aforesaid recited statute in the fourth year of his present Majesty to the contrary thereof in any-wise notwithstanding.

After Sept. 1, 1773, certificates, notes, bills, &c. which may be accepted by creditors of the publick in America as a security, may be enacted to be a legal tender.

Not to extend to alter act 24 Geo. 2.

II. Provided always, That nothing in this act shall extend to alter or repeal an act, passed in the twenty-fourth year of the reign of his late majesty King George the Second, (intituled, *An act to regulate and restrain paper bills of credit in his Majesty's colonies or plantations of Rhode Island and Providence Plantations, Connecticut, The Massachusetts Bay, and New Hampshire, in America, and to prevent the same being legal tenders in payments of money.*)

C A P. LVIII.

An act for providing clergymen to officiate in gaols within that part of Great Britain called England.

WHEREAS there is no provision made by law for the appointment of proper ministers to officiate in the several county gaols

gaols within that part of Great Britain called England, and the principality of Wales: and whereas the appointment of ministers to such gaols, with a proper salary, for the due execution of their duty as clergymen, would alleviate the distress of the persons under confinement, and would greatly contribute to the purposes of morality and religion: may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the justices of the peace, or the major part of them, assembled at the quarter sessions held for any county, riding, or division, within that part of *Great Britain* called *England*, and the principality of *Wales*, and they are hereby authorised and impowered to settle and ascertain how many clergymen shall, by them, be deemed necessary to be employed in performing religious duties, according to the rites of the church of *England*, in the several gaols within their respective jurisdictions, and to settle and ascertain what duty shall be performed, and what salary shall be paid to every such clergyman, not exceeding fifty pounds, yearly, and every year.

Justices to ascertain how many clergymen are to be employed in gaols, and what salary shall be paid them.

II. And be it further enacted, That the treasurers of such counties, ridings, or divisions, receiving a certificate, signed by the chairman of such quarter sessions, of the number of such clergymen, and the salary to be respectively paid to them, shall pay out of the rates of such county, riding, or division, the several sums in the said certificate mentioned; and the said several sums so paid in pursuance of this act, shall be allowed to the said treasurers by the justices before whom their accounts shall be passed.

Treasurers of counties to pay the sums out of the rates.

III. And be it further enacted, That when the number of such clergymen, and the salary to be respectively paid to them, shall have been settled and ascertained by such justices, it shall and may be lawful to and for justices of the peace at the quarter sessions, and they are hereby authorised and impowered, to nominate and appoint, in every county, riding, or division, where the justices shall have so settled and ascertained the number of the clergymen, and the salary to be paid to them, as before mentioned, so many clergymen to officiate and perform divine service, according to the rites of the church of *England*, in the several gaols within such county, riding, or division, as shall have been so settled and ascertained by such justices; and in case any such clergyman or clergymen shall die, or shall be thought unworthy, by such justices, at the quarter sessions, to be continued in such office, then it shall and may be lawful for such justices, at the quarter sessions, to nominate and appoint, from time to time, as occasion shall require, any other clergyman to officiate in the room of such clergyman so dying, or so deemed to be unworthy to continue any longer in such office.

Justices to nominate clergymen for the above purposes; and, in case of death, &c. to nominate others.

C A P. LIX.

An act for repealing so much of an act of the thirty-first year of his late Majesty, as inflicts capital punishment for frauds and abuses in the marking or stamping of gold or silver plate; and for inflicting another punishment for the said offence.

Preamble.

Act 31 Geo 2.

WHEREAS by a clause in an act of parliament, made in the thirty-first year of the reign of his late majesty King George the Second, (intituled, An act for repealing the duty granted by an act, made in the sixth year of the reign of his late Majesty, on silver plate, made, wrought, touched, assayed, or marked, in Great Britain; and for granting a duty on licences to be taken out by all persons dealing in gold or silver plate; and for discontinuing all drawbacks upon silver plate exported; and for more effectually preventing frauds and abuses in the marking or stamping of gold or silver plate); it is enacted, That if any person whatsoever shall cast, forge, or counterfeit, or cause or procure to be cast, forged, or counterfeited, any mark or stamp used, or to be used, for marking gold or silver plate by the company of goldsmiths in London, or by the wardens, or assayer or assayers, at York, Exeter, Bristol, Chester, Norwich, or Newcastle upon Tyne, or by any maker or worker of gold or silver plate, or any mark, stamp, or impression, in imitation of, or to resemble any mark, stamp, or impression, made, or to be made, with any such stamp used as aforesaid; or shall mark or stamp, or cause or procure to be marked or stamped, any wrought plate of gold or silver, or any wares of brass or other base metal, silvered or gilt over, and resembling plate of gold or silver, with any mark or stamp which hath been, or shall be forged or counterfeited; or shall transpose or remove, or cause or procure to be transposed or removed, from one piece of wrought plate to another, or to any vessel of such base metal as aforesaid, any such mark, stamp, or impression; or shall sell, exchange, or expose to sale, or export out of this kingdom, any wrought plate of gold or silver, or any vessel of such base metal, with any such counterfeit mark, stamp, or impression thereon, knowing the same to be forged, counterfeited, or transposed; or shall wilfully or knowingly have or be possessed of any such forged mark or stamp; every such person, being lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as a felon without benefit of clergy, be it enacted by the King's most excellent majesty by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said clause shall, from and after the twenty-ninth day of September next, be, and the same is hereby declared to be, repealed.

A clause there-
in repealed.

Persons coun-
terfeiting of
marks or

II. And be it further enacted by the authority aforesaid, That if any person whatsoever, from and after the said twenty-ninth day of September next, shall cast, forge, or counterfeit, or cause

or

or procure to be cast, forged, or counterfeited, any mark or stamp used, or to be used, for the marking or stamping gold or silver plate, in pursuance of any act or acts of parliament now in force by the company of goldsmiths in *London*, or by the warden, or assayer or assayers, at *York, Exeter, Bristol, Chester, Norwich*, or *Newcastle upon Tyne*, or by any maker or worker of gold or silver plate, or any or either of them; or shall cast, forge, or counterfeit, any mark, stamp, or impression in imitation of, or to resemble any mark, stamp, or impression made, or to be made, with any mark or stamp used, or to be used, as aforesaid, by the said company of goldsmiths in *London*, or by the said warden, or assayer or assayers, or by any maker or worker of gold or silver plate, or any or either of them, or shall mark or stamp, or cause or procure to be marked or stamped, any wrought plate of gold or silver, or any wares of brass or other base metal silvered or gilt over, and resembling plate of gold or silver, with any mark or stamp which hath been or shall be forged or counterfeited at any time, either before, on, or after the said twenty-ninth day of *September* next, in imitation of, or to resemble any mark or stamp used, or to be used, as aforesaid, by the said company of goldsmiths in *London*, or by the said warden, or assayer or assayers, or by any maker or worker of gold or silver plate, or any or either of them; or shall transpose or remove, or cause or procure to be transposed or removed, from one piece of wrought plate to another, or to any vessel of such base metal as aforesaid, any mark, stamp, or impression, made or to be made, by or with any mark or stamp used, or to be used, as aforesaid, by the said company of goldsmiths in *London*, or by the said warden, or assayer or assayers, or by any maker or worker of gold or silver plate, or any or either of them; or shall sell, exchange, or expose to sale, or export out of this kingdom, any wrought plate of gold or silver, or any vessel of such base metal, as aforesaid, with any such forged or counterfeit mark, stamp, or impression thereon, or any mark, stamp, or impression which hath been, or shall be transposed or removed from any other piece of plate, at any time either before, on, or after the said twenty-ninth day of *September* next, knowing such mark, stamp, or impression to be forged, counterfeited, or transposed or removed as aforesaid; or shall wilfully or knowingly have or be possessed of any mark or stamp which hath been, or shall be forged or counterfeited at any time, either before, on, or after, the said twenty-ninth day of *September* next, in imitation of, or to resemble any mark or stamp used, or to be used, as aforesaid, by the said company of goldsmiths in *London*, or by the said warden, or assayer or assayers, or by any maker or worker of gold or silver plate, or any or either of them; every person offending in any, each, or either of the cases aforesaid, and being thereof lawfully convicted, shall, by order of the court before whom such offender shall be convicted, be transported to some of his Majesty's colonies or plantations in *America*, for the term of fourteen years.

stamps used
by the compa-
ny of gold-
smiths in
London, &c.

or transposing
stamps from
one piece to
another, and
exposing such
to sale;

shall, on con-
viction, be
transported to
America for
14 years.

C A P. LX.

An act for draining and preserving certain lands and grounds in the parishes of Tid Saint Giles and Newton, in the Isle of Ely, in the county of Cambridge; and in Tid Saint Mary's, in the county of Lincoln.

Preamble. Commissioners names. Qualification of commissioners. Time and place of commissioners meeting. What sums shall be allowed at meetings, and that all orders to be made shall be at publick meetings only. Commissioners, how to be chosen, and their qualifications. Commissioners have power to appoint deputies. Penalty on acting if not qualified. Commissioners powers. Exemptions from taking earth. Commissioners not to injure the turnpike houses. Moles may be destroyed. Commissioners to appoint officers to open and shut sluices. Penalty of 20l. on officers opening or shutting sluices contrary to orders. Regulations for the old drain. Commissioners to make orders for the draining of the lands; and appoint officers who are to account. Officers not accounting to be committed to gaol. Commissioners may assess owners, as they shall judge proper. Rates not to exceed 4s. an acre. Certain lands to pay only the fourth part of the acre-tax. Lands to be surveyed. Tenants to pay taxes, and deduct the same out of their rents. Lessees not to be allowed to deduct taxes. Manner of recovering rates. Lands untenanted to remain a security for taxes. Money may be borrowed by mortgage of taxes, not exceeding 10,000l. Taxes vested in creditors. Writings to be without stamps. Persons destroying works, &c. how to be punished. Books of assessments to be kept. Proceedings to be entered in books. Occupiers to maintain their outring fences. Kinderley's Cut to be opened. Bedford Level corporation, and the commissioners of this act, shall contribute certain sums towards carrying on the said works. The remainder of the expence of opening the said cut out of the North level, taxes how to be paid. Persons damaging the works how to be punished. The navigation of the cut shall be free. The manner of towing on the side of the cut. The channel of the Wisbech river, and the sands adjacent, in the Bedford Level corporation, how vested. The said corporation allowed to mark out the said sands; and to grant leases thereof, as soon as they are capable of cultivation. Receiver of the taxes to take the rents and profits of the sands, &c. The corporation may purchase salt marshes in Tid St. Giles. The committee of the North Level commissioners shall superintend such works as shall be done with the profits of the said sands; and make up any deficiency that may be therein. Walpole and other marshes, may be drained. The river Bank on the North and North west of Kinderley's cut may be repaired. A certain piece of land in Tid Saint Giles vested in certain persons, to be sold, and how the money is to be applied. Rights of governors, &c. of Bedford Level saved. Powers of Wisbech commissioners over Tid Saint Giles to cease. Right of commissioners of sewers saved. The commissioners under this act may agree with the commissioners of sewers, &c. for draining of lands into Buckworth's drain. Limitation of actions. General issue. Treble costs. Publick act.

C A P. LXI.

An act for the better lighting and watching the town of Kingston upon Thames, in the county of Surrey; and for removing and preventing all obstructions, encroachments, and nuisances therein.

C A P. LXII.

An act for better regulating the assize and making of bread.

Preamble.

WHEREAS, according to the ancient order and custom of the realm, there hath been, from time immemorial, a standard wheaten bread, made of flour, being the whole produce of the wheat whereof it was made: and whereas by an act, passed in the thirty-first year of the reign of George the Second, intituled, An act for

the due making of bread, and to regulate the price and assize thereof, and to punish persons who shall adulterate meal, flour, or bread; and by an act passed in the third year of the reign of his present Majesty, for explaining and amending the said recited act, *two sorts of bread, made of wheat only, are allowed to be made for sale; (that is to say), wheaten and household; whereby the flour, being the whole produce of the wheat, is so divided in the making of bread for sale, as that this standard wheaten bread, made according to the ancient order and custom of the realm, could be no longer made for sale: and whereas household bread, such as is intended by the said act of George the Second to be made for sale, is not generally made for sale, whereby, and for want of the said standard wheaten bread being continued, many inconveniencies have arisen, and many of the inferior classes of the people more especially, have been under a necessity of buying bread at a higher price than they could afford, to their great hurt and detriment: for remedy thereof, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty-ninth day of September, one thousand seven hundred and seventy-three, a bread made of wheat as followeth; that is to say, of the flour of wheat, which flour, without any mixture or division, shall be the whole produce of the grain, the bran or hull thereof only excepted, and which shall weigh three-fourth parts of the weight of the wheat whereof it shall be made, may be, at all times, and is hereby allowed to be made, baked, exposed to or for sale, and sold, and shall be called and understood to be a standard wheaten bread.*

Act 3 Geo. 3.
cap. 11.

After Sept. 29,
1773, standard
wheaten bread
allowed to be
made, baked,
and sold.

II. Provided always, and be it hereby further enacted, That the makers of the said bread for sale do and shall mark every loaf thereof with the capital letters *S. W.* and that the makers and sellers of the same do make and sell the same, although no assize of bread be set of the weight, and in the proportions following; that is to say, That every standard wheaten peck loaf shall always weigh seventeen pounds six ounces avoirdupois, every half peck loaf eight pounds eleven ounces, and every quarter loaf four pounds five ounces and one half of an ounce avoirdupois; and that every peck loaf, half peck loaf, and quarter loaf, shall always be sold, as to price, in proportion to each other respectively; and that where wheaten and household bread, made as the law now directs, shall be sold at the same time, together with this standard wheaten bread, they be sold in respect of and in proportion to each other, as followeth; that is to say, That the same weight of wheaten bread as costs eight-pence, the same weight of this standard wheaten bread shall cost seven-pence, and the same weight of household bread shall cost sixpence, or seven standard wheaten assized loaves shall weigh equal to eight wheaten assized loaves, or to six household assized loaves of the same price, as near as may be.

Weight, price,
and proportions of the
different
loaves.

III. Provided also, and be it hereby further enacted, That the said standard wheaten bread be not, nor shall be made into,

Standard
wheaten bread
is not to be

fold as priced loaves at one time. or exposed to or for sale, or sold as priced loaves, at one and the same time, together with assized loaves of the same standard wheaten bread.

Magistrates are, when they think proper, to set the assize, and fix the price of bread. IV. And be it further enacted by the authority aforesaid, That all and every magistrate, magistrates, or others, who is and are, by the laws now in being, authorised and impowered to set the assize and fix the price of bread, is, and are hereby authorised and required, whenever and where-ever he or they shall think proper, to set the assize, or to fix the price of bread, in like manner, and at the same time to set the assize on, or fix the price of, the standard wheaten bread aforesaid, the baker's allowance for baking being included according to the rates and proportions severally and respectively set down in the following table.

After Sept. 29, 1773, makers of bread for sale to make and dispose of the same as hereby directed. V. And be it enacted by the authority aforesaid, That all makers of bread for sale, and all persons who shall, after the said twenty-ninth day of *September*, one thousand seven hundred and seventy-three, make and bake, for sale, and shall sell, or expose to or for sale, the said standard wheaten bread, shall make, sell, and expose to or for sale the said bread as directed by this act; and all such makers of the said bread for sale, and persons selling, or exposing to or for sale, the said bread, shall be liable to the same or the like pains, penalties, forfeitures, and punishments, in all respects whatsoever, for any misdemeanour or neglect in the making, marking, selling, or exposing to or for sale, the said standard wheaten bread, as they are liable to by the laws now in being, for any misdemeanour or neglect, in respect to making, marking, selling, or exposing to or for sale, wheaten or household bread.

The miller or mealman selling adulterated flour, shall forfeit the penalties directed by act 31 Geo. 2. VI. Provided always, and be it enacted by the authority aforesaid, That if any information shall be laid against any baker for making, marking, baking, or exposing to or for sale, any bread, purporting to be the standard wheaten bread aforesaid, made of flour, not being the whole produce of the wheat, the bran or hull thereof only excepted, and weighing three-fourth parts of the weight of the wheat whereof it was made, and such baker shall prove that he bought the said flour, whereof his bread was made, as and for such flour, as aforesaid, of the miller or mealman, naming his name and place of abode; then, and in such case, the baker shall stand clear and acquitted, and the miller or mealman so offending, and being legally convicted thereof, shall forfeit and pay the penalties enacted and directed to be paid, in the case of adulterating corn, meal, or flour, by an act, passed in the thirty-first year of the reign of King George the Second, intituled, *An act for the due making of bread, and to regulate the price and assize thereof, and to punish persons who shall adulterate meal, flour, or bread.*

Where magistrates shall have set an assize on the price of stand- VII. And be it further enacted by the authority aforesaid, That when and where any magistrate, magistrates, or others, authorised as aforesaid, shall have set an assize on or fixed the price of the said standard wheaten bread, as directed by this act, all

all and every such person or persons so authorised, are hereby authorised and impowered to omit, if they think proper, the setting an assize upon, or fixing the price of any other sort of bread.

price of any other sort of bread.

VIII. And be it further enacted by the authority aforesaid, That from and after the twenty-ninth day of *September*, one thousand seven hundred and seventy-tree, the justices of the peace of every county, riding, division, city, town, liberty, and place, at any general or quarter session of the peace which shall be held within their respective counties, riding, division, cities, towns, liberties, or jurisdictions, may, if they shall think proper, prohibit, and they are hereby authorised and impowered to prohibit, for three months, unless they shall see cause sooner to revoke the order for such prohibition, which they are hereby impowered to do at any adjourned quarter sessions, or any special sessions within their respective jurisdictions, or within any part thereof, the makers of bread for sale from making for sale, baking, selling, or exposing to or for sale, any other one or more sorts of bread, being, or purporting to be, of a superior quality, and sold at a higher price than the standard wheaten bread aforesaid: provided, that no such order for such prohibition do take place, or be in force, until one calendar month at least after the date of the making thereof; and every order, which shall be so from time to time made, in or touching the premises, by any such justices, shall be entered in a book, to be provided and kept for that purpose by such justices, and which book shall and may be inspected by the makers of bread for sale within the respective jurisdiction of any such justices, at all seasonable times, of in the day-time, and without paying any fee or reward in respect thereof: and after the making every such order by any such justices, the justices who shall make the same, shall, with all convenient speed, cause a copy of every such order to be affixed or put up in some market, or other publick town, within the division or part of the county, riding, liberty, rape, wapentake, city, town, or place, in which such order is to be observed, and take place, or else such justices, within their respective jurisdictions, shall cause a copy of every such order to be, with all convenient speed, after the making thereof respectively, inserted in some publick news-paper, which shall be published in the county, riding, division, rape, wapentake, city, town, or place, or some part thereof, in which every such order respectively is to be observed, and take place.

IX. Provided always, That within the city of *London*, and the liberties thereof, the company of bakers of the said city, and in any other city, county, division, district, town, or place, any baker or maker of bread for sale, bakers or makers of bread for sale, may, within the respective jurisdiction to which he or they do belong, or wherein he or they do exercise their trade or mystery, have an opportunity of offering to such justices, as aforesaid, all such objections as such company of bakers, or such bakers

ard wheaten bread, other persons authorised may omit fixing the bread.

After Sept. 29, 1773, justices, at their quarter sessions, may prohibit, for 3 months, the baking or selling other bread than standard wheaten;

but no such order shall take place till one calendar month, at least, after the making thereof.

Copy of such order to be put up in some market town, or inserted in some publick news-paper.

Company of bakers of London, &c. may offer objections against such prohibition.

bakers or makers of bread for sale, may have and think fit to offer against such prohibition as aforesaid, at the time when such justices, as aforesaid, shall have under consideration the ordering such prohibition as aforesaid.

Wheaten loaves, of the price of 1 d. or 2 d. may be made and sold, according to act 31 Geo. 2.

X. Provided also, That nothing herein contained shall extend, or be construed to extend, to prevent the magistrates and others, who, by the laws now in being, are authorized to set an assize on bread, from allowing at all times, and even during the time of such prohibition as aforesaid, if they shall think fit, any white loaves or wheaten loaves of the price of one penny, or two-pence, to be made and sold, so that the said loaves be made, marked, baked, exposed to and for sale, and sold according to the regulations of *The table of assize and price of bread*, contained in, and enacted by, an act, passed in the thirty-first year of the reign of his late Majesty George the Second, intituled, *An act for the due making of bread, and to regulate the price and assize thereof, and to punish persons who shall adulterate meal, flour, or bread.*

No assize to be set on coarser bread, if sold at a lower price, as directed by act 31 Geo. 2.

XI. And whereas there may be many places in this kingdom, where the inferior classes of the people are used to and may be desirous of being supplied with bread made of wheat, of a coarse and cheaper sort than the standard wheaten bread aforesaid; be it hereby further enacted by the authority aforesaid, That it shall and may be lawful for any baker or maker of bread for sale, to make, bake, expose to sale, and sell, such inferior and coarser bread, provided he or she sells such bread at a price under that of the household bread, as directed to be made and sold by an act passed in the thirty-first year of the reign of George the Second, intituled, *An act for the due making of bread, and to regulate the price and assize thereof, and to punish persons who shall adulterate meal, flour, or bread*, although nothing in this act contained doth extend, or shall be construed to extend, to the setting any assize thereon.

Where any baker of bread shall sell coarser bread at the assized household bread price, he shall be liable to the penalties inflicted by law.

XII. And be it further enacted by the authority aforesaid, That when and where any baker or maker of bread for sale shall sell, or expose to sale, any such inferior or coarser bread by weights and prices whereat the household bread aforesaid is at that time assized, or priced, or sold, he shall, for every such offence, being duly convicted, be liable to the same, or like pains, penalties, forfeitures, and punishments, as bakers and makers of bread for sale are now by law liable to for any the like misdemeanour or neglect in making, selling, or exposing to or for sale, any other sort of bread allowed by law to be made or exposed to or for sale, and sold.

Magistrates to have the same powers relative to the making or selling of bread as they may have by any law now in being.

XIII. And be it further enacted, That all and every magistrate, magistrates, and others, as aforesaid, following the directions herein-before and herein-after given, shall have, and they are hereby declared to have, all the same powers and authority to apply them, to all intents and purposes whatsoever, relative to assizing, pricing, and regulating, the making, selling, or exposing to or for sale, the said standard wheaten bread, and punishing the makers, sellers, and expositors thereof to or for sale, for any the like misdemeanour or neglect, in the making, marking,

2.			N ^o 1.			N ^o 2.			N ^o 1.			N ^o 2.																	
Part the First.			Part the Second.			The price of the bushel of wheat and baking.			The price of the bushel of wheat and baking.			Part the First continued.																	
The Price Table.			The Price Table.									The Affize Table.																	
Large Affize Bread.			Priced Bread.									Small Bread.			Large Affize Bread.														
Twelve-pence.			Eighteen-pence.			Quartern Loaf.			Half peck Loaf.			Peck Loaf.			Penny.			Two-pence.			Six-pence.			Twelve-pence.			Eigh		
lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.												
11	18 15 5	28 7 —	— 2 $\frac{3}{4}$	— 5 $\frac{1}{2}$	11 2 9	8 9	7 15	— 15 14	2 15 11	5 15 5	8																		
1	17 6 1	26 1 1	— 3	— 6	1 — 3	9 —	7 12	— 15 7	2 14 5	5 12 11	8																		
5	16 — 11	24 1 —	— 3 $\frac{1}{4}$	— 6 $\frac{1}{2}$	1 1 3	9 3	7 8	— 15 —	2 13 1	5 10 3	8																		
7	3 14 14	5 22 5 8	— 3 $\frac{1}{2}$	— 7	1 2 3	9 6	7 5	— 14 10	2 11 14	5 7 13	8																		
5	4 13 14	7 20 13 11	— 3 $\frac{3}{4}$	— 7 $\frac{1}{2}$	1 3 3	9 9	7 2	— 14 4	2 10 12	5 5 9	8																		
8	4 13 — 9	19 8 13	— 4	— 8	1 4 4	10 —	6 15	— 13 14	2 9 11	5 3 7	7																		
2	2 12 4 4	18 6 7	— 4 $\frac{1}{4}$	— 8 $\frac{1}{2}$	1 5 4	10 3	6 13	— 13 9	2 8 11	5 1 6																			
2	11 11 9 6	17 6 1	— 4 $\frac{1}{2}$	— 9	1 6 4	10 6	6 10	— 13 4	2 7 12	4 15 7																			
7	13 10 15 10	16 7 7	— 4 $\frac{3}{4}$	— 9 $\frac{1}{2}$	1 7 4	10 9	6 7	— 12 15	2 6 13	4 13 10																			
3	7 10 6 13	15 10 4	— 5	— 10	1 8 5	11 —	6 5	— 12 10	2 5 15	4 11 13																			
5	7 9 14 14	14 14 5	— 5 $\frac{1}{4}$	— 10 $\frac{1}{2}$	1 9 5	11 3	6 3	— 12 6	2 5 1	4 10 2																			
1	13 9 7 11	14 3 8	— 5 $\frac{1}{2}$	— 11	1 10 5	11 6	6 1	— 12 1	2 4 4	4 8 9																			
8	9 9 1 1	13 9 10	— 5 $\frac{3}{4}$	— 11 $\frac{1}{2}$	1 11 5	11 9	5 15	— 11 13	2 3 8	4 7 —																			
5	8 11 1	13 — 9	— 6	— 1	2 — 6	12 —	5 13	— 11 9	2 2 12	4 5 8																			
1	13 — 8	12 8 3	— 6 $\frac{1}{2}$	— 1 $\frac{1}{2}$	1 6 3	12 3	5 11	— 11 6	2 2 1	4 4 2																			

marking, selling, or exposing the same to or for sale, as they have by any law now in being, relative to affizing, pricing, making for sale, selling, or exposing to or for sale, any bread whatsoever, and in as full and ample a manner as if the said powers were recited and enacted therein.

XIV. And be it further enacted, That all magistrates, and all other persons whatsoever, shall be intitled to, and have all the privileges, protections, and indemnifications, in all respects whatsoever, for what they shall lawfully do in putting this act in execution, as they are intitled to, and have by the laws now in being relative to the making of bread, and selling, or exposing the same to or for sale, for putting the said laws in execution.

Magistrates, &c. intitled to all the privileges and protections of the laws in being relative to the making and selling of bread.

XV. Provided always, and be it enacted, That this act, or any thing herein contained, shall not extend to prejudice any right or custom of the city of *London*, or the practice there used, or any right or custom of any lord or lords of any leet, to set, enquire, and punish the breach of assize of bread within their respective leets or views of frank pledge, or the right of any clerk or clerks of the market, in any place.

Not to extend to prejudice the right or custom of the city of *London*, or lords of leet:

XVI. Provided further, and it is hereby likewise enacted, That neither this act, nor any thing herein contained, shall extend, or be construed to extend, to prejudice the ancient right or custom of the dean of the collegiate church of *Saint Peter, Westminster*, or the high steward of the city of *Westminster*, and the liberties thereof, or his deputy, or any of them, to set, ascertain, and appoint the assize and weight of all sorts of bread, to be sold, or exposed to sale, within the said city of *Westminster*, and the liberties thereof; but they, and every of them, shall and may severally and respectively, from time to time, as there shall be occasion, set, ascertain, and appoint, within the said city of *Westminster*, and the liberties thereof, according to the true intent and meaning of this act, the assize and weight of all sorts of bread, which shall be made, sold, or exposed to sale, by any person or persons within the limits of the said city of *Westminster*, and the liberties thereof; and shall and may enquire, and punish, the breach of every such assize and weight of bread as fully and freely, in all respects, as they, or any of them, have heretofore been accustomed to do, and as if this act had never been made; any thing herein contained to the contrary hereof notwithstanding.

Nor shall this act prejudice the ancient right or custom of the dean of *St. Peter, Westminster*, &c.

XVII. Provided likewise, That neither this act, nor any thing herein contained, shall extend, or be construed to extend, to prejudice the ancient right or custom of the two universities of *Oxford* and *Cambridge*, or either of them, or of their or either of their clerks of the market, or the practice within the several jurisdictions of the said universities, or either of them, used to set, ascertain, and appoint the assize and weight of all sorts of bread to be sold, or exposed to sale, within their several jurisdictions; but that they, and every of them, shall and may severally and respectively, from time to time, as there shall be occasion,

Nor shall any thing contained prejudice the ancient right of the universities of *Oxford* and *Cambridge*.

caſion, ſet, aſcertain, and appoint, within their ſeveral and reſpective jurisdictions the aſſize and weight of all ſorts of bread to be ſold, or expoſed to ſale, by any baker, or other perſon whatſoever, within the limits of their ſeveral jurisdictions, according to the true intent and meaning of this act; and ſhall and may enquire and puniſh the breach thereof as fully and freely, in all reſpects, as they uſed to do, and as if this act had never been made; any thing herein contained to the contrary thereof notwithſtanding.

All the laws now in being for regulating the price of bread, &c. to remain in full force.

Where the chief magiſtracy of a corporation is veſted in two bailiffs, one of them is to ſet an aſſize on bread.

XVIII. And be it hereby declared and enacted by the authority aforeſaid, That all the laws now in being, for the due making of bread, or to regulate the price and aſſize thereof, or to puniſh perſons who ſhall adulterate meal, flour, or bread, do and ſhall ſtand and remain in full force, in the whole, and every part thereof, not altered by this preſent act.

XIX. And whereas doubts have ariſen, whether by the ſaid act, paſſed in the thirty-fiſt year of the reign of his late majeſty King George the Second, where the chief magiſtracy of any borough or corporation lies and is veſted in two bailiffs, one of the ſaid bailiffs, in the abſence of the other, is, by the ſaid act authoriſed and impowered to ſet an aſſize on bread; be it enacted by the authority aforeſaid, That in ſuch boroughs and corporations, one of the ſaid bailiffs, in the abſence of the other, ſhall be authoriſed and impowered to ſet an aſſize on bread, under the ſaid act, or this act, and to do all other matters and things therein and hereby directed for ſetting the ſame.

C A P. LXIII.

An act for eſta bliſhing certain regulations for the better management of the affairs of the Eaſt India Company, as well in India as in Europe.

Preamble.

WHEREAS the ſeveral powers and authorities granted by charters to the united company of merchants of England trading to the Eaſt Indies have been found, by experience, not to have ſufficient force and efficacy to prevent various abuſes which have prevailed in the government and adminiſtration of the affairs of the ſaid united company, as well at home as in India, to the manifeſt injury of the publick credit, and of the commercial intereſts of the ſaid company; and it is therefore become highly expedient that certain further regulations, better adapted to their preſent circumſtances and condition, ſhould be provided and eſta bliſhed: and whereas the electing and chuſing of directors of the ſaid united company every year, in ſuch manner as at preſent is preſcribed by charter, has not answered the good purpoſes intended thereby, but, on the contrary, by limiting the duration of their office to ſo ſhort a time, evidently tends to weaken the authority of the court of directors, and to produce inſtability in the councils and meaſures of the ſaid company: may it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That at the next

general ensuing election of directors of the said united company, instead of an election of twenty-four directors to serve for the space of one year only, there shall be chosen, in such manner and order as the directors of the said united company for the time being shall appoint, six directors expressly for the term of one year, and six other directors for the term of two years, and six other directors for the term of three years, and the remaining six directors for the term of four years, and not otherwise; and from thenceforth yearly and every year, and at the expiration of each and every of the said terms respectively, six new directors, and no more, shall be chosen, from time to time, in the place of such directors whose term shall have expired, and who are hereby declared incapable of being then rechosen; and at every subsequent election, during the continuance of the charter of the said united company, six new directors shall be chosen, and shall continue to be directors for the term of four years, and no longer, to be accounted from the day on which the election of such directors was respectively made; and in case the office and authority of any such director shall become void by death, removal, or otherwise, another shall be chosen from time to time in his place, to serve as a director during the remainder of such term for which the person whose office shall have become void was chosen, and no longer.

II. And it is hereby further enacted, That no person or persons whatsoever, employed in any civil or military, station, office, or capacity whatsoever, in the *East Indies*, or claiming or exercising any power, authority, or jurisdiction therein, shall be capable of being appointed or chosen into the office of director, until such person or persons shall have returned to and been resident in *England* for the space of two years; any law or usage to the contrary notwithstanding.

III. And whereas it has been found, that the provision made by the charter of the tenth year of the reign of King William the Third, under which, persons possessed of five hundred pounds stock are intitled to vote in general courts, has been productive of much inconvenience in the present situation of the company, and tends to promote the mischievous practice of making collusive transfers, which practice hath not been sufficiently prevented by the provision made by an act of the seventh year of his present Majesty's reign, whereby the right of voting is limited to persons having been six calendar months in possession of their stock; be it further enacted, That all transfers of stocks whatsoever made to any person or persons, in any fraudulent or collusive manner, on purpose to qualify him, her, or them, to give his, her, or their vote or votes, at any election of members of the court of directors, or in any general court of the said united company, (subject nevertheless to conditions or agreements, either verbal or in writing, to defeat or determine such transfers, or to retransfer or return the same,) shall be deemed and taken against those persons who transferred the same, as free and absolute, and be holden and enjoyed, by all and every such person or persons to whom such transfer shall be made,

At the next ensuing general election, instead of 24, there shall be chosen 6 directors for the term of one year; 6 for two years; 6 for three years; 6 for four years; and so hereafter yearly.

No person employed in any office in the *East Indies*, shall be chosen into the office of director until he shall return, and be resident in *England* for two years. All transfers made in a collusive manner, to qualify voters at elections;

and all bonds, covenants, &c. with persons in trust, shall be null and void:

and every person to whom transfers shall have been made, or who shall have voted by virtue thereof, at any election, who shall afterwards re-transfer the same, in consequence of any trusts, &c. shall forfeit, for every offence, 1000l. to be recovered, with full costs, at Westminster; and after Oct. 1, 1773, no proprietor shall vote at any election of directors in respect of stock amounting to less than 1000l. nor until he shall have been possessed of such 12 calendar months.

Every proprietor possessed of 3000l. capital stock shall be intitled to two votes at any election; if

made, as aforesaid, freely and absolutely acquitted, exonerated, and discharged, of and from all manner of trusts, conditions, powers of revocation, provisos of redemption, or other defeazances between or with the said parties, or any other person or persons in trust for them; and that all bonds, covenants, notes collateral, or other securities, contracts, or agreements, between or with the said parties, or any other person or persons in trust for them, or any of them, for the retransferring, redeeming, revoking, or defeating such transfer, or for the restoring or retransferring thereof, or any part thereof, to any person or persons who made such transfer, or to any other person or persons in trust for them, or any of them, shall be null and void, to all intents and purposes whatsoever: and that every person to whom such transfer shall have been made, and who shall have voted by virtue thereof, at any election of members of the court of directors, or in any general court of the said united company, and who shall afterwards retransfer or return the same, in consequence of any trust, condition, powers of revocation, proviso of redemption, or other defeazance whatsoever, as aforesaid, shall, for every such offence, forfeit the sum of one thousand pounds; one moiety whereof shall go and be disposed of to any person who shall sue for the same, and the other moiety to his Majesty, his heirs and successors; to be recovered, together with full costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, privilege, protection, wager of law, or more than one imparlance, shall be admitted or allowed; and that from and after the first day of *October*, one thousand seven hundred and seventy-three, no member or proprietor of the said united company shall be deemed qualified, or capable to vote, or be admitted to give any vote or votes, at any election of directors, or at any general court of the said united company, in respect of any stock amounting to less than one thousand pounds, nor in respect of any stock transferred to him, her, or them, after the said first day of *October*, one thousand seven hundred and seventy-three, until he, she, or they, shall have been possessed of such stock twelve calendar months, in his, her, or their own right, and not in trust for any other person or persons whatsoever, freed and discharged of all incumbrances which can or may affect the same, unless such stock shall have been acquired, or shall have come to such proprietor by bequest, or by marriage, or by succession to any intestate's estates, or by the custom of the city of *London*, or by any deed of settlement after the death of any person who shall have been intitled for life to the dividends of such stock; any law, statute, or usage, to the contrary notwithstanding.

IV. Provided always, and be it further enacted by the authority aforesaid, That every member or proprietor of the said united company, who shall be possessed, for the time or term aforesaid, in his or her own right, of three thousand pounds, capital stock of the said company, shall be intitled to give two votes at any election of directors, or at any ballot of the said company;

company; and every member or proprietor who shall be possessed, for the time or term aforesaid, of six thousand pounds, in his or her own right, shall be intitled to give three votes; and every member or proprietor who shall be possessed, for the time or term aforesaid, of ten thousand pounds or more, shall be intitled to give four votes at such election or ballot; and the oath and affirmation herein-after respectively prescribed, shall, as occasion shall require, be altered in such manner as shall be necessary to comprise such right of voting.

possessed of 6000 l. he shall have three votes; and when possessed of 10,000 l. is intitled to four votes.

V. Provided always, and it is hereby further enacted, That any member or proprietor of the said united company shall be deemed qualified or capable to vote, and shall be admitted to give his or her vote or votes, at any election of directors, or at any general court of the said united company, that shall be held after the first day of *October*, one thousand seven hundred and seventy-three, in respect of any such stock, not amounting to less than one thousand pounds, whereof he or she shall have been possessed from the said first day of *October*, any thing herein contained to the contrary notwithstanding: and the oath and affirmation herein-after respectively prescribed, shall be as occasion shall require, altered in such manner in respect of the continuance of the possession of such stock, as to comprise the time aforesaid.

Every member shall be deemed qualified to vote at elections of directors, in respect of 1000 l. stock, after Oct. 1, 1773.

VI. And be it further enacted by the authority aforesaid, That from and after the first day of *October*, one thousand seven hundred and seventy-three, upon every election to be made of any member or members of the court of directors, and upon every ballot to be taken at any general court of the said united company, every member or proprietor of the said company shall, before admitted to vote at such election, or in such general court, first take the oath hereafter mentioned before two or more of the directors of the said united company, who are hereby impowered to administer such oath; (that is to say,)

Upon election of directors, every proprietor shall, before admitted to vote, take the following oath.

I A. B. do swear, (or being one of the people called Quakers, do solemnly affirm,) That the sum of one thousand pounds or more of the capital stock of the united company of merchants of England trading to the East Indies, standing in my name, doth at this time belong, and hath for the space of twelve calendar months actually belonged to me, in my own right, and not in trust for any person or persons whatsoever; and that I have been in the actual receipt of the dividends and profits thereof for my own use, freed and discharged of all incumbrances which can or may affect the same, for the said space of twelve calendar months; or that the same came to me within the time aforesaid by bequest, or by marriage, or by succession to an intestate's estate, or by the custom of the city of London, or by settlement; and that such stock has not been transferred or made to me fraudulently or collusively on purpose to qualify me to give my vote; and that I have not before given my vote on this ballot.

So help me God.

and

Persons committing wilful perjury, or corruptly suborning others so to do, shall be liable to the penalties in Act 5 Eliz. and 2 Geo. 2.

and in case any person taking the oath or affirmation hereby appointed shall thereby commit wilful perjury, and be thereof convicted; and if any person do unlawfully or corruptly procure or suborn any other person to take the said oath or affirmation, in order to vote, whereby he or she shall commit such wilful perjury, and shall be thereof convicted, he, she, and they, for every such offence, shall incur such pains and penalties as are in and by two acts of parliament, the one made in the fifth year of the late Queen *Elizabeth*, intituled, *an act for punishing such persons as shall procure or commit wilful perjury, or suborn or procure any person to commit any wilful or corrupt perjury*; the other made in the second year of his majesty King *George* the second, intituled, *an act for the more effectual preventing, and further punishment of forgery, perjury, and subornation of perjury, and to make it felony to steal bonds, notes, or other securities, for payment of money*, directed to be inflicted for offences committed contrary to the said acts.

A Governor-general and four counsellors to be appointed, in whom the whole civil and military government of Bengal, Bahar, and Orissa shall be vested.

VII. *And, for the better management of the said united company's affairs in India*, be it further enacted by the authority aforesaid, That, for the government of the presidency of *Fort William* in *Bengal*, there shall be appointed a governor-general, and four counsellors; and that the whole civil and military government of the said presidency, and also the ordering, management, and government, of all the territorial acquisitions and revenues in the kingdoms of *Bengal*, *Bahar*, and *Orissa*, shall, during such time as the territorial acquisitions and revenues shall remain in the possession of the said united company, be, and are hereby vested in the said governor-general and council of the said presidency of *Fort William* in *Bengal*, in like manner, to all intents and purposes whatsoever, as the same now are, or at any time heretofore might have been exercised by the president and council, or select committee, in the said kingdoms.

In case of difference of opinion, the decision of the major part to be conclusive; and in case of death, removal, or absence, the governor or eldest counsellor to have a casting voice.

Power of the governor-general and council.

VIII. And be it enacted by the authority aforesaid, That in all cases whatsoever wherein any difference of opinion shall arise upon any question proposed in any consultation, the said governor-general and council shall be bound and concluded by the opinion and decision of the major part of those present: and if it shall happen that, by the death or removal, or by the absence, of any of the members of the said council, such governor-general and council shall happen to be equally divided; then, and in every such case, the said governor-general, or, in his absence, the eldest counsellor present, shall have a casting voice, and his opinion shall be decisive and conclusive.

IX. And be it further enacted by the authority aforesaid, That the said governor-general and council, or the major part of them, shall have, and they are hereby authorised to have, power of superintending and controuling the government and management of the presidencies of *Madras*, *Bombay*, and *Bencoolen* respectively, so far and in so much as that it shall not be lawful for any president and council of *Madras*, *Bombay*, or *Bencoolen*, for the time being, to make any orders for commencing hostilities,

ties, or declaring or making war, against any *Indian* princes or powers, or for negotiating or concluding any treaty of peace, or other treaty, with any such *Indian* princes or powers, without the consent and approbation of the said governor-general and council first had and obtained, except in such cases of imminent necessity as would render it dangerous to postpone such hostilities or treaties until the orders from the governor-general and council might arrive; and except in such cases where the said presidents and councils respectively shall have received special orders from the said united company; and any president and council of *Madras*, *Bombay*, or *Bencoolen*, who shall offend in any of the cases aforesaid, shall be liable to be suspended from his or their office by the order of the said governor-general and council; and every president and council of *Madras*, *Bombay*, and *Bencoolen*, for the time being, shall, and they are hereby respectively directed and required, to pay due obedience to such orders as they shall receive, touching the premises, from the said governor-general and council for the time being, and constantly and diligently to transmit to the said governor-general and council advice and intelligence of all transactions and matters whatsoever that shall come to their knowledge, relating to the government, revenues, or interest, of the said united company; and the said governor-general and council for the time being shall, and they are hereby directed and required to pay due obedience to all such orders as they shall receive from the court of directors of the said united company, and to correspond, from time to time, and constantly and diligently transmit to the said court an exact particular of all advices or intelligence, and of all transactions and matters whatsoever, that shall come to their knowledge, relating to the government, commerce, revenues, or interest, of the said united company; and the court of directors of the said company, or their successors, shall, and they are hereby directed and required, from time to time, before the expiration of fourteen days after the receiving any such letters or advices, to give in and deliver unto the high treasurer, or commissioners of his Majesty's treasury for the time being, a true and exact copy of such parts of the said letters or advices as shall any way relate to the management of the revenues of the said company; and in like manner to give in and deliver to one of his Majesty's principal secretaries of state for the time being, a true and exact copy of all such parts of the said letters or advices as shall any way relate to the civil or military affairs and government of the said company; all which copies shall be fairly written, and shall be signed by two or more of the directors of the said company.

X. And it is hereby further enacted, That *Warren Hastings* Names of the
 esquire shall be the first governor-general; and that lieutenant-
 general *John Clavering*, the honourable *George Monson*, *Richard*
Barwell esquire, and *Philip Francis* esquire, shall be the four first
 counsellors; and they, and each of them, shall hold and continue
 in his and their respective offices for and during the term of five
 years after their arrival at

Fort William
in Bengal.

years from the time of their arrival at *Fort William* in *Bengal*, and taking upon them the government of the said presidency, and shall not be removeable, in the mean time, except by his Majesty, his heirs and successors, upon representation made by the court of directors of the said united company for the time being: and in case of the avoidance of the office of such governor-general by death, resignation, or removal, his place shall, during the remainder of the term aforesaid, as often as the case shall happen, be supplied by the person of the council who stands next in rank to such governor-general; and, in case of the death, removal, resignation, or promotion, of any of the said council, the directors of the said united company are hereby empowered, for and during the remainder of the said term of five years, to nominate and appoint, by and with the consent of his Majesty, his heirs and successors, to be signified under his or their sign manual, a person to succeed to the office so become vacant in the said council; and, until such appointment shall be made, all the powers and authorities vested in the governor-general and council shall rest and continue in, and be exercised and executed by, the governor-general and council remaining and surviving; and from and after the expiration of the said term of five years, the power of nominating and removing the succeeding governor-general and council shall be vested in the directors of the said united company.

Time when
the provisions
relating to the
governor and
council shall
commence.

XI. And be it further enacted by the authority aforesaid, That the said several provisions, relating to the said governor-general and council, shall commence and take place from and immediately after the time that publick proclamation shall be made of the arrival of the said governor-general and counsellors herein-before appointed, or any three of them, at *Fort William* in *Bengal*; which proclamation the said governor-general and council are hereby required to make.

The company
may appoint
officers in
pursuance of
former acts
or charters.

XII. Provided always, That nothing in this act shall extend, or be construed to extend, to prevent, controul, or restrain the said united company from constituting and appointing such officers, factors, or agents, as they shall think proper and necessary, by virtue or in pursuance of any powers, rights, or privileges, granted to them by any former act or acts of parliament, or by any charter or charters, for managing, conducting, and transacting the trade and commerce of the said company, at and within the said presidency of *Fort William* in *Bengal*.

His Majesty
may, by charter
or letters
patent, establish
a supreme court
of judicature
at *Fort*
William, &c.

XIII. And whereas his late majesty King George the Second did, by his letters patent, bearing date at Westminster the eighth day of January, in the twenty-sixth year of his reign, grant unto the said united company of merchants of England trading to the East Indies his royal charter, thereby, amongst other things, constituting and establishing courts of civil, criminal, and ecclesiastical jurisdiction, at the said united company's respective settlements at *Madras*-*patnam*, *Bombay*, on the island of *Bombay*, and *Fort William* in *Bengal*; which said charter does not sufficiently provide for the due administration of justice in such manner as the state and condition of the company's presidency

presidency of Fort William in Bengal, so long as the said company shall continue in the possession of the territorial acquisitions before mentioned, do and must require; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, by charter, or letters patent under the great seal of Great Britain, to erect and establish a supreme court of judicature at Fort William aforesaid, to consist of a chief justice and three other judges, being barristers in England or Ireland, of not less than five years standing, to be named from time to time by his Majesty, his heirs and successors; which said supreme court of judicature shall have, and the same court is hereby declared to have, full power and authority to exercise and perform all civil, criminal, admiralty, and ecclesiastical jurisdiction, and to appoint such clerks, and other ministerial officers of the said court, with such reasonable salaries, as shall be approved of by the said governor-general and council; and to form and establish such rules of practice, and such rules for the process of the said court, and to do all such other things as shall be found necessary for the administration of justice, and the due execution of all or any of the powers which, by the said charter, shall or may be granted and committed to the said court; and also shall be, at all times, a court of record, and shall be a court of oyer and terminer, and goal delivery, in and for the said town of Calcutta, and factory of Fort William in Bengal aforesaid, and the limits thereof, and the factories subordinate thereto.

XIV. Provided nevertheless, and be it further enacted by the authority aforesaid, That the said new charter which his Majesty is herein-before impowered to grant, and the jurisdiction, powers, and authorities, to be thereby established, shall and may extend to all British subjects who shall reside in the kingdoms or provinces of Bengal, Bahar, and Orissa, or any of them, under the protection of the said united company; and the same charter shall be competent and effectual: and the supreme court of judicature therein, and thereby to be established, shall have full power and authority to hear and determine all complaints against any of his Majesty's subjects for any crimes, misdemeanours, or oppressions, committed, or to be committed; and also to entertain, hear, and determine, any suits or actions whatsoever, against any of his Majesty's subjects in Bengal, Bahar, and Orissa, and any suit action or complaint, against any person, who shall, at the time when such debt, or cause of action or complaint, shall have arisen, have been employed by, or shall then have been, directly or indirectly, in the service of the said united company, or of any of his Majesty's subjects.

XV. Provided also, That the said court shall not be competent, to hear, try, or determine, any indictment or information against the said governor-general, or any of the said council for the time being, for any offence (not being treason or felony) which such governor-general, or any of the said council, shall or may be charged with having committed in Bengal, Bahar, and Orissa.

Limitation of
actions before
the said court.

XVI. Provided also, and be it enacted, That the said supreme court shall hear and determine any suits or actions whatsoever of any of his Majesty's subjects, against any inhabitant of *India* residing in any of the said kingdoms or provinces of *Bengal*, *Bahar*, or *Orissa*, or any of them, upon any contract or agreement in writing entered into by any of the said inhabitants with any of his Majesty's said subjects, where the cause of action shall exceed the sum of five hundred current rupees; and where the said inhabitant shall have agreed in the said contract, that, in case of dispute, the matter shall be heard and determined in the said supreme court; and all such suits or actions may be brought, in the first instance, before the said court, or by appeal from the sentence of any of the courts established in the said provinces, or any of them.

The gover-
nor-general,
council, &c.
not subject to
be arrested or
imprisoned.

Appeal may
be made to
his Majesty
in council.

XVI. And it is hereby further enacted and provided, That nothing in this act shall extend to subject the person of the governor-general, or of any of the said council or chief justice and judges respectively for the time being, to be arrested or imprisoned upon any action, suit, or proceeding in the said court.

XVIII. And be it further enacted by the authority aforesaid, That it shall and may be directed, in and by the said new charter which his Majesty is herein-before impowered to grant, that in case any person or persons whatsoever shall think himself, herself, or themselves, aggrieved by any judgement or determination of the said supreme court of judicature, to be established as aforesaid, he, she, or they, shall and may appeal from such judgement or determination to his Majesty in council, his heirs or successors, within such time, in such manner, and in such cases, and on such security, as his Majesty, in his said charter, shall judge proper and reasonable to be appointed and prescribed.

So much of
the charter
granted by
Geo. 2. (should
a new charter
be granted) to
be repealed;

otherwise to
be in full
force.

XIX. And be it further enacted by the authority aforesaid, That so much of the said charter, granted by his said late Majesty, as respects or relates to the establishment of the mayor's court at *Calcutta* aforesaid, in *Bengal*, or to the civil, criminal, or ecclesiastical jurisdiction thereof, in the said united company's settlement there, or the subordinates thereunto belonging, in case a new charter shall be granted by his Majesty in pursuance of this act, and shall be openly published at *Fort William* aforesaid, from and immediately after such publication, shall cease, determine, and be absolutely void, to all intents and purposes: but nevertheless, the said charter, so granted by his said late Majesty, shall, in all other respects, and as for and concerning all or any other of the said company's principal presidencies or settlements to which the same relates, or to any factories or places now or hereafter to be subordinate to such principal settlements, continue, be, and remain in full force and virtue, according to the true intent and meaning thereof, and that as fully and effectually, to all intents and purposes whatsoever, as if this act had never been made, or such new charter as aforesaid should never have been granted.

All records
and muni-

XX. And be it further enacted by the authority aforesaid,
That

That all the records, muniments, and proceedings whatsoever, of and belonging to the said mayor's court at *Calcutta* aforesaid, or to the courts of oyer and terminer and gaol delivery at *Fort William* aforesaid, established by the said charter of his said late Majesty, shall, from and immediately after such court of judicature, which his Majesty is herein-before impowered to erect, shall be established at *Fort William* as aforesaid, be delivered over, preserved and deposited for safe custody, in the said new court of judicature, to which all parties concerned shall and may resort and have recourse, upon application to the said court.

XXI. And be it further enacted by the authority aforesaid, That during such time as the territorial acquisitions shall remain in the possession of the said company, the court of directors of the said united company shall, and they are hereby required to direct, and cause to be paid, certain and established salaries to the governor-general, and to each of the council of the said united company's presidency of *Fort William* in *Bengal*, and to the chief justice and each of the judges of such supreme court of judicature at *Fort William*, as shall be by the said new charter established; (that is to say,) to the governor-general twenty-five thousand pounds by the year, and to each of the council of the said united company's presidency of *Fort William* in *Bengal* ten thousand pounds by the year; and to the chief justice eight thousand pounds by the year; and to each of the judges of the said supreme court of judicature, at *Fort William*, six thousand pounds by the year: and that such salaries shall be paid and payable to each and every of them respectively for the time being out of the said territorial acquisitions in the kingdoms of *Bengal*, *Babar*, and *Orissa*.

XXII. And be it further enacted by the authority aforesaid, That the salaries of such governor-general and council, and of such chief justice and judges, of such supreme court of judicature as aforesaid, shall take place and commence in respect to all such persons who shall be resident in *Great Britain* at the time of their appointment, upon, and from the day on which such person shall embark from *Great Britain*; and that the salaries of all such persons who shall, at the time of their appointment, be resident in *India*, shall commence and take place from and after their respectively taking upon them the execution of their office as aforesaid; and that all such salaries to such governor-general and council, and of such chief justice and judges, shall be in lieu of all fees of office, perquisites, emoluments, and advantages, whatsoever; and that no fees of office, perquisites, emoluments, or advantages whatsoever, shall be accepted, received, or taken by such governor-general, and council, or by such chief justice and judges as aforesaid, or any of them, in any manner, or on any account or pretence whatsoever, other than such salaries and allowances as are in and by this act directed to be paid to them respectively.

XXIII. And be it further enacted by the authority aforesaid, That no governor-general, or any of the council of the said united

ments belonging to the mayor's court at *Calcutta*, &c. to be delivered to, and preserved by the new court.

Salaries established to the governor-general, council, chief justice, and judges.

When such salaries shall commence.

The governor-general, or council, shall not ac-

cept of any
present;

nor be con-
cerned in any
transaction
by way of
traffick.

No person
holding a civil
or military
office under
the crown,
shall accept
any donation
or gratuity.

Counsellors,
physicians,
surgeons, and
chaplains, ex-
cepted.

united company's presidency of *Fort William* in *Bengal*, or any chief justice, or any of the judges of the supreme court of judicature at *Fort William* aforesaid, shall, directly or indirectly, by themselves, or by any other person or persons for his or their use, or on his or their behalf, accept, receive, or take, of or from any person or persons, in any manner, or on any account whatsoever, any present, gift, donation, gratuity, or reward, pecuniary or otherwise, or any promise or engagement for any present, gift, donation, gratuity, or reward; and that no governor-general, or any of the said council, or any chief justice or judge of the said court, shall carry on, be concerned in, or have any dealing or transactions, by way of traffick or commerce of any kind whatsoever, either for his or their use or benefit, profit or advantage, or for the benefit or advantage of any other person or persons whatsoever, (the trade and commerce of the said united company only excepted;) any usage or custom to the contrary thereof in any-wise notwithstanding.

XXIV. And be it further enacted by the authority aforesaid, That from and after the first day of *August*, one thousand seven hundred and seventy-four, no person holding or exercising any civil or military office under the crown, or the said united company in the *East Indies*, shall accept, receive, or take, directly or indirectly, by himself, or any other person or persons on his behalf, or for his use or benefit, of and from any of the *Indian* princes or powers, or their ministers or agents, (or any of the natives of *Asia*) any present, gift, donation, gratuity, or reward, pecuniary or otherwise, upon any account, or on any pretence whatsoever; or any promise or engagement for any present, gift, donation, gratuity, or reward: and if any person, holding or exercising any such civil or military office, shall be guilty of any such offence, and shall be thereof legally convicted in such supreme court at *Calcutta*, or in the mayor's court in any other of the said united company's settlements where such offence shall have been committed; every such person, so convicted, shall forfeit double the value of such present, gift, donation, gratuity, or reward, so taken and received; one moiety of which forfeiture shall be to the said united company, and the other moiety to him or them who shall inform or prosecute for the same; and also shall and may be sent to *England*, by the order of the governor and council of the presidency or settlement where the offender shall be convicted, unless such person so convicted shall give sufficient security to remove him or themselves within twelve months after such conviction.

XXV. Provided always, and be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to prohibit or prevent any person or persons who shall carry on, or exercise the profession of a counsellor at law, a physician, or a surgeon, or being a chaplain, from accepting, taking, or receiving any fees, gratuities, or rewards, in the way of their profession.

XXVI. And it is hereby further enacted by the authority aforesaid,

aforesaid, That every fuch prefent, gift, gratuity, donation, or reward, accepted, taken, or received, and all fuch dealing or tranfaction, by way of traffick or commerce, of any kind whatfoever, carried on, contrary to the true intent and meaning of this a^ct, fhall be deemed and conftrued to have been received, taken, had, and done, to and for the fole ufe of the faid united company; and that the faid united company, upon waiving all penalties and forfeitures, fhall and may fue and profecute for the recovery of the fame, or the full value of fuch prefent or gift, or the profits of fuch trade refpectively, together with intereft, at the rate of five pounds *per centum per annum*, from the time of fuch prefent, gift, gratuity, donation, or reward, being received, or of fuch dealing or tranfaction, by way of traffick or commerce, as aforesaid, by a^ction, for money had and received to the ufe of the faid company.

XXVII. And be it further enacted by the authority aforesaid, That from and after the firft day of *Auguft*, one thoufand feven hundred and feventy-four, it fhall not be lawful for any collector, fupervifor, or any other of his Majefty's fubjects, employed or concerned in the collection of the revenues, or the adminiftration of juftice, in the provinces of *Bengal*, *Bahar*, or *Oriffa*, or their agents or fervants, or any perfon or perfons in truft for them, to buy any goods, wares, merchandife, or other commodities whatfoever, by way of traffick or trade, at any place within the provinces of *Bengal*, *Bahar*, and *Oriffa*, and to fell the fame again, or any part thereof, at the place where he or they bought the fame, or at any other place within the faid provinces refpectively; and it fhall not be lawful for any of his Majefty's fubjects in the faid provinces, to engage, intermeddle, or be any way concerned, dire^ctly or indire^ctly, in the inland trade, in falt, beetlenut, tobacco, or rice, except on the account of the faid united company, on pain of forfeiting all fuch goods or commodities which he fhall fo buy and fell again, by way of traffick, or in which he fhall fo trade; and alfo treble the value thereof; one moiety to the faid united company, and the other moiety to him or them who will fue for the fame, in the faid fupreme court; and every fuch perfon, on conviction, fhall, moreover, be liable to be fent to *England*, by fuch order as aforesaid, unlefs he or they fhall give fufficient fecurity to remove him or themfelves, within twelve months after fuch conviction.

XXVIII. Provided always, That nothing herein contained fhall extend, or be conftrued to extend, to prohibit or refrain any of his Majefty's fubjects, or any perfon or perfons whatfoever, (except fuch perfons as are by this a^ct prohibited and refrained from being concerned in trade) from carrying on or exercifing any trade or traffick within *Fort William*, and the town of *Calcutta*.

XXIX. Provided neverthelefs, and be it enacted by the authority aforesaid, That nothing herein contained fhall extend, or be conftrued to extend, to prohibit or prevent any fuch perfon

chandises pos-
sessed by per-
sons before
such prohibi-
tion take
place.

or persons who is, are, or shall be hereby restrained from carry-
ing on any trade, or being concerned in the buying or selling
any goods, wares, merchandises, or other commodities whatso-
ever, by way of traffick or trade, as aforesaid, or from being any
way concerned in the inland trade in salt, beetlenut, tobacco, or
rice, from collecting in their outstanding debts, or from selling
and disposing of the goods, wares, merchandises, effects, and
stock in trade, of which such person or persons shall severally be
possessed, at the time when such prohibition shall respectively
take place, so as each such person or persons who, by this act
is, are, or shall be so restrained, shall, and each and every of
them respectively do, deliver in to such governor-general and
council of the provinces of *Bengal*, *Babar*, and *Orissa*, aforesaid,
within thirty days from the time when such restriction, and pro-
hibition shall take place, as aforesaid, a full, true, and just speci-
fication, upon oath, of the goods, wares, and merchandises,
effects, and stock in trade, of which he or they shall be at that
time so respectively possessed; and so as such person or persons
shall and do sell and dispose of such goods, wares, merchandises,
effects, and stock in trade, within the space of nine months after
such restriction and prohibition, as aforesaid, shall commence
and take place; and so as no new trade or concern in commerce
or merchandise be entered into, contracted for, or carried on, by
such person or persons.

No person
shall take, on
loan of mo-
nies, above
the rate of
12 per cent.
per annum.

XXX. And be it further enacted by the authority aforesaid,
That no subject of his Majesty, his heirs and successors, in the
East Indies, shall, upon any contract which shall be made from
and after the said first day of *August*, one thousand seven hun-
dred and seventy-four, take, directly or indirectly, for loan of
any monies, wares, merchandise, or other commodities what-
soever, above the value of twelve pounds for the forbearance of
one hundred pounds for a year; and so after that rate for a
greater or less sum, or for a longer or shorter time; and that
all bonds, contracts, and assurances whatsoever, made after the
time aforesaid, for payment of any principal or money to be lent
or covenanted to be performed upon, or for any usury where-
upon or whereby there shall be reserved or taken above the rate
of twelve pounds in the hundred, as aforesaid, shall be utterly
void: and all an every such person or persons whatsoever who
shall, after the time aforesaid, upon any contract to be made
after the said first day of *August*, one thousand seven hundred
and seventy-four, take, accept, and receive by way or means of
any corrupt bargain, loan, exchange, shift, or interest of any
wares, merchandises, or other thing or things whatsoever, or
by any deceitful way or mean, or by any covin, engine, or
deceitful conveyance, for the forbearing or giving day of pay-
ment for one whole year, of and for their money or other thing,
above the sum of twelve pounds for the forbearing of one hun-
dred pounds for a year, and so after that rate for a greater or
lesser sum, or for a longer or shorter term, shall forfeit and lose,
for every such offence, treble the value of the monies, wares,
mer-

Persons by
covin accept-
ing loans, &c.
shall forfeit,
for every of-
fence, treble
the value;

merchandises, and other things so lent, bargained, exchanged, or shifted, with costs of suit, one moiety whereof shall be to the said united company, and the other moiety to him or them who will sue for the same in the said supreme court of judicature at *Fort William* in *Calcutta*, or in the mayor's court in any other of the said united company's settlements where such offence shall have been committed, by action of debt, bill, plaint, or information in which no essoin, wager of law, or protection, shall be allowed; and in case no such action, bill, plaint, or information, shall have been brought and prosecuted with effect within three years, that then it shall and may be lawful to and for the party aggrieved to sue and prosecute for recovery of all sums of money paid over and above such rate of interest.

XXXI. And be it further enacted, That no informer or plaintiff shall or may compound or agree with any person or persons that shall offend, or shall be surmised to offend, against this act, for any offence committed, or pretended to be committed, before answer made in the said supreme court, unto the information or suit in that behalf exhibited or prosecuted, nor after answer, but by the order or consent of the said court, on pain that if any person or persons shall offend in making of any composition or agreement, contrary to the true intent and meaning of this act, or shall by colour or pretence of process, or without process, upon colour or pretence of any matter of offence against this act, make any composition, or take any money, reward, or promise of reward, for himself, or to the use of any other, without order or consent of the said court; that then, he or they so offending, being thereof lawfully convicted, shall, for every such offence, be liable to be fined and imprisoned, at the discretion of the said court.

XXXII. And be it further enacted by the authority aforesaid, That from and after the said first day of *August*, one thousand seven hundred and seventy-four, it shall not be lawful for any person or persons whatsoever, who shall have been dismissed from, or shall have voluntarily resigned, the service of the said united company, or for any free merchant, free mariner, or other person, whose covenants or agreements with the said united company for residing or trading in *India* shall be expired, from thenceforth to carry on or be in any-wise concerned in any trade, traffick, merchandise, or commerce whatsoever, in the *East Indies*, other than for the disposal of his or their stock in hand, without the licence of the said united company, or the governor-general and council of the presidency of *Fort William* in *Bengal*, or the president and council at the place or settlement where such person or persons shall reside for that purpose, first had and obtained.

XXXIII. And be it further enacted by the authority aforesaid, That from and after the said first day of *August*, one thousand seven hundred and seventy-four, if any of his Majesty's subjects in *India*, employed by, or in the actual service of the said united company, shall be charged with and prosecuted for any

One moiety to go to the company, and the other to the prosecutor.

Persons making compositions contrary to the meaning of the act,

liable to be imprisoned at the discretion of the court.

Persons who may be dismissed the service, or resign, &c.

not to be concerned in any traffick, other than for disposal of stock in hand.

Servants of the company prosecuted for breaches of trust, on conviction,

to be fined or imprisoned at the discretion of the court.

any breach of publick trust, or for embezzlement of publick money or stores, or for defrauding the said united company; every such offender, being convicted thereof, in the said supreme court of judicature, or in any court of judicature in any other presidency or settlement in *India*, may be fined and imprisoned, and adjudged to be for ever after incapable of serving the said united company, at the discretion of the court before which he shall be tried; and immediately after the sentence of such court shall have been executed and inflicted, shall and may be sent over to *England*, by such order, and in such manner, as is herein-before mentioned and directed, unless he shall remove himself within twelve months, and in the mean time give sufficient security so to do.

Offences to be tried by a jury of British subjects.

XXXIV. And be it further enacted by the authority aforesaid, That all offences and misdemeanours which shall be laid, tried, and enquired of in the said supreme court, shall be tried by a jury of *British* subjects resident in the town of *Calcutta*, and not otherwise.

The company may compound or discharge sentences of the supreme court, &c.

XXXV. And be it further enacted by the authority aforesaid, That after any judgement of the said supreme court of judicature, or of any court of judicature at any of the said united company's settlements, against any of the said united company's servants, civil or military, for any debt or penalty, due or belonging to the said united company, shall be made known to the court of directors for the time being of the said united company, it shall not be lawful to release or compound such sentence or judgement, or to release, discharge, or put a stop to any prosecution, suit or action, commenced or to be commenced, for carrying on any illicit trade, or for any debt or penalty due to the said united company, or to restore any servant or servants whatever of the said company, who shall have been removed or dismissed from his or their office or employment, for or upon account of any misbehaviour, without the consent of three parts in four of the said court of directors, to be taken by ballot, and also the consent of three parts in four in number of the proprietors of the said united company, who shall be present, and give their votes by ballot, to be taken at a general court to be specially called for that purpose, and of which fourteen days publick notice, at the least, shall be given before the holding the same, and of the particular occasion for which such general court shall be called.

Governor-general and council may make such regulations as may appear just;

XXXVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor-general and council of the said united company's settlement at *Fort William* in *Bengal*, from time to time, to make and issue such rules, ordinances, and regulations, for the good order and civil government of the said united company's settlement at *Fort William* aforesaid, and other factories and places subordinate, or to be subordinate thereto, as shall be deemed just and reasonable, (such rules, ordinances, and regulations, not being repugnant to the laws of the realm,) and to set, impose, inflict, and levy,

levy, reasonable fines and forfeitures for the breach or non-observance of such rules, ordinances, and regulations; but nevertheless the same, or any of them, shall not be valid, or of any force or effect, until the same shall be duly registered and published in the said supreme court of judicature, which shall be, by the said new charter, established, with the consent and approbation of the said court, which registry shall not be made until the expiration of twenty days after the same shall be openly published, and a copy thereof affixed in some conspicuous part of the court-house or place where the said supreme court shall be held; and from and immediately after such registry as aforesaid, the same shall be good and valid in law; but nevertheless, it shall be lawful for any person or persons in *India* to appeal therefrom to his Majesty, his heirs or successors, in council, who are hereby impowered, if they think fit, to set aside and repeal any such rules, ordinances, and regulations respectively, so as such appeal, or notice thereof, be lodged in the said new court of judicature, within the space of sixty days after the time of the registering and publishing the same; and it shall be lawful for any person or persons in *England* to appeal therefrom in like manner, within sixty days after the publishing the same in *England*; and it is hereby directed and required, that a copy of all such rules, ordinances, and regulations, from time to time, as the same shall be so received, shall be affixed in some conspicuous and publick place in the *India House*, there to remain and be resorted to as occasion shall require; yet nevertheless, such appeal shall not obstruct, impede, or hinder the immediate execution of any rule, ordinance, or regulation, so made and registered as aforesaid, until the same shall appear to have been set aside or repealed, upon the hearing and determination of such appeal.

XXXVII. Provided always, and be it enacted by the authority aforesaid, That the said governor-general and council shall, and they are hereby required, from time to time, to transmit copies of all such rules, ordinances, and regulations, as they shall make and issue, to one of his Majesty's principal secretaries of state for the time being, and that it shall and may be lawful to and for his Majesty, his heirs and successors, from time to time, as they shall think necessary, to signify to the said united company, under his or their sign manual, his or their disapprobation and disallowance of all such rules, ordinances, and regulations; and that from and immediately after the time that such disapprobation shall be duly registered and published in the said supreme court of judicature at *Fort William* in *Bengal*, all such rules, ordinances, and regulations, shall be null and void; but in case his Majesty, his heirs and successors, shall not, within the space of two years from the making of such rules, ordinances, and regulations, signify his or their disapprobation or disallowance thereof, as aforesaid, that then, and in that case, all such rules, ordinances, and regulations, shall be valid and effectual, and have full force.

XXXVIII. And

Governor-general and council to act as justices of peace.

XXXVIII. And be it further enacted by the authority aforesaid, That the governor-general and council for the time being of the said united company's settlement at *Fort William* aforesaid, and the chief justice and other judges of the said supreme court of judicature, shall and may, and they are hereby respectively declared to be, and to have full power and authority to act as justices of the peace for the said settlement, and for the several settlements and factories subordinate thereto; and to do and transact all matters and things which to the office of a justice or justices of the peace do belong and appertain; and for that purpose the said governor-general and council are hereby authorised and empowered to hold quarter-sessions within the said settlement of *Fort William* aforesaid, four times in every year, and the same shall be at all times a court of record.

If the governor-general, president, &c. commit offences, the same may be tried and determined in the court of King's Bench.

XXXIX. And be it further enacted by the authority aforesaid, That if any governor-general, president, or governor, or council of any of the said company's principal or other settlements in *India*, or the chief justice, or any of the judges of the said supreme court of judicature, to be by the said new charter established, or of any other court in any of the said united company's settlements, or any other person or persons who now are, or heretofore have been employed by or in the service of the said united company, in any civil or military station, office, or capacity, or who have or claim, or heretofore have had or claimed, any power or authority, or jurisdiction, by or from the said united company, or any of his Majesty's subjects residing in *India*, shall commit any offence against this act, or shall have been, or shall be guilty of, any crime, misdemeanour, or offence, committed against any of his Majesty's subjects, or any of the inhabitants of *India*, within their respective jurisdictions, all such crimes, offences, and misdemeanours, may be respectively enquired of, heard, tried, and determined in his Majesty's court of *King's Bench*, and all such persons so offending, and not having been before tried for the same offence in *India*, shall, on conviction, in any such case as is not otherwise specially provided for by this act, be liable to such fine or corporal punishment as the said court shall think fit; and moreover shall be liable, at the discretion of the said court, to be adjudged to be incapable of serving the said united company in any office, civil or military; and all and every such crimes, offences, and misdemeanours, as aforesaid, may be alledged to be committed, and may be laid, enquired of, and tried in the county of *Middlesex*.

Manner of procedure in cases of indictments and informations laid in the King's Bench.

XL. And whereas the provisions made by former laws for the hearing and determining in England offences committed in *India* have been found ineffectual, by reason of the difficulty of proving in this kingdom matters done there; be it further enacted by the authority aforesaid, That in all cases of indictments or informations, laid or exhibited in the said court of *King's Bench*, for misdemeanours or offences committed in *India*, it shall and may be lawful for his Majesty's said court, upon motion to be made on behalf of the prosecutor, or of the defendant or defendants, to award

award a writ or writs of *Mandamus*, requiring the chief justice and judges of the said supreme court of judicature for the time being, or the judges of the mayor's court at *Madras*, *Bombay*, or *Bencoolen*, as the case may require, who are hereby respectively authorised and required accordingly to hold a court, with all convenient speed, for the examination of witnesses, and receiving other proofs concerning the matters charged in such indictments or informations respectively; and, in the mean time, to cause such publick notice to be given of the holding the said court, and to issue such summons or other process, as may be requisite for the attendance of witnesses, and of the agents or counsel, of all or any of the parties respectively, and to adjourn, from time to time, as occasion may require; and such examination as aforesaid shall be then and there openly and publickly taken *vivâ voce* in the said court, upon the respective oaths of witnesses, and the oaths of skilful interpreters, administered according to the forms of their several religions; and shall, by some sworn officer of such court, be reduced into one or more writing or writings on parchment, in case any duplicate or duplicates should be required by or on behalf of any of the parties interested, and shall be sent to his Majesty, in his court of *King's Bench*, closed up, and under the seals of two or more of the judges of the said court, and one or more of the said judges shall deliver the same to the agent or agents of the party or parties requiring the same; which said agent or agents, (or, in case of his or their death, the person into whose hands the same shall come,) shall deliver the same to one of the clerks in court of his Majesty's court of *King's Bench*, in the publick office, and make oath that he received the same from the hands of one or more of the judges of such court in *India*, (or, if such agent be dead, in what manner the same came into his hands;) and that the same has not been opened, or altered, since he so received it, (which said oath such clerk in court is hereby authorised and required to administer:) and such depositions, being duly taken and returned, according to the true intent and meaning of this act, shall be allowed and read, and shall be deemed as good and competent evidence as if such witness had been present, and sworn and examined *vivâ voce* at any trial for such crimes or misdemeanours, as aforesaid, in his Majesty's said court of *King's Bench*, any law or usage to the contrary notwithstanding; and all parties concerned shall be intitled to take copies of such depositions at their own costs and charges.

XLI. And be it further enacted by the authority aforesaid, That in case the said chief justice or judges of the said supreme court of judicature, or any of them, for the time being, shall commit any offence against this act, or be guilty of any corrupt practice or other crime, offence, or misdemeanour, in the execution of their respective offices, it shall and may be lawful for his Majesty's said court of *King's Bench* in *England*, upon an information or indictment laid or exhibited in the said court for such crime, offence, or misdemeanour, upon motion to be

made

Offences against this act committed by the chief justices or judges to be determined by the court of King's Bench.

made in the said court, to award such writ or writs of *Mandamus*, as aforesaid, requiring the governor-general, and council of the said united company's settlement at *Fort William* aforesaid, who are hereby respectively authorized and required accordingly to assemble themselves in a reasonable time, and to cause all such proceedings to be had and made as are herein-before respectively directed and prescribed concerning the examination of witnesses; and such examination, so taken, shall be returned and proceeded upon in the same manner, in all respects, as if the several directions herein-before prescribed and enacted in that behalf were again repeated.

The chancellor, or speaker of the house of commons, may issue warrants for the examination of witnesses in India; which shall be deemed competent evidence to both houses of parliament.

XLII. And be it further enacted, by the authority aforesaid, That in all cases of proceedings in parliament, touching any offences against this act, or any other offences committed in *India*, it shall and may be lawful for the lord high chancellor, or speaker of the house of lords, and also for the speaker of the house of commons for the time being, in like manner, to issue his or their warrant or warrants to the governor-general and council of the said united company's presidency of *Fort William*, and to the chief justice and judges of the said supreme court of judicature, or the judges of the mayor's court at *Madras*, *Bombay*, or *Bencoolen*, as the case may require, for the examination of witnesses; and such examination shall be returned to the said lord high chancellor, or speaker of the house of lords, or to the speaker of the house of commons respectively, and proceeded upon in the same manner, in all respects, as if the several directions herein-before prescribed and enacted in that behalf were again particularly repeated; and every such examination, returned either to the lord chancellor, or speaker of the house of lords, or to the speaker of the house of commons, as aforesaid, shall be deemed good and competent evidence, and shall be allowed and read in both houses of parliament, or either of them respectively, as occasion may require; any law or usage to the contrary notwithstanding.

No proceedings in parliament, touching offences in India, to be discontinued by any prerogation.

XLIII. And whereas, by the usage and custom of parliament, no proceedings by bill in parliament have continuance from one session to another: and whereas it would be impracticable that the examination taken upon such warrant, as aforesaid, could ever be returned within the ordinary length of a session of parliament; be it enacted by the authority aforesaid, That, from and after the first day of *November*, one thousand seven hundred and seventy-three, no proceedings in parliament touching any offence committed, or to be committed, in *India*, wherein such warrant as aforesaid shall have been issued, shall be discontinued by any prerogation or dissolution of the parliament, but that such proceedings may be resumed and proceeded upon in a subsequent session, or in a subsequent parliament, in either house of parliament, in like manner, to all intents and purposes, as they might have been in the course of one and the same session; any law, usage, or custom to the contrary notwithstanding.

XLIV. And whereas his Majesty's subjects are liable to be de-
feated

feated of their several rights, titles, debts, dues, demands, or suits, for which they have cause arising in India against other subjects of his Majesty; now, for preventing such failure of justice, be it further enacted by the authority aforesaid, That when, and as often as the said united company, or any person or persons whatsoever, shall commence and prosecute any action or suit, in law or equity, for which cause hath arisen, or shall hereafter arise in India, against any other person or persons whatever, in any of his Majesty's courts at Westminster, it shall and may be lawful for such court respectively, upon motion there to be made, to provide and award such writ or writs, in the nature of a Mandamus, or commission, as aforesaid, to the chief justice and judges of the said supreme court of judicature for the time being, or the judges of the mayor's court at Madras, Bombay, or Bencoolen, as the case may require, for the examination of witnesses, as aforesaid; and such examination, being duly returned, shall be allowed and read, and shall be deemed good and competent evidence, at any trial or hearing between the parties in such cause or action, in the same manner, in all respects, as if the several directions herein-before prescribed and enacted in that behalf were again repeated.

XLV. Provided nevertheless, and be it enacted, That no such depositions, taken and returned as aforesaid by virtue of this act, shall be allowed or permitted to be given in evidence in any capital cases, other than such as shall be proceeded against in parliament; any thing in this act contained to the contrary notwithstanding.

XLVI. And be it further enacted by the authority aforesaid, That all and every the rights, interests, powers, privileges, and authorities, which are now vested in the said united company of merchants trading to the East Indies, and which are not hereby expressly taken away, altered, or varied, shall remain to, and continue in the said company, in as full and ample a manner, to all intents and purposes whatsoever, as if this act had never been made.

XLVII. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a publick act; of which notice shall be judicially taken by all judges, justices, and other persons whatsoever, without specially pleading the same.

C A P. LXIV.

An act for granting to his Majesty a sum of money to be raised by exchequer bills; and to be advanced and applied in the manner, and upon the terms therein mentioned, for the relief of the united company of merchants of England trading to the East Indies.

WHEREAS the united company of merchants of England trading to the East Indies do at present labour, and have, for some time past, laboured under great and unusual difficulties in the

carrying on of their affairs, from which it greatly imports the publick, as well as the said united company, that they should, as speedily as possible, be relieved: and whereas the said company, finding themselves under the necessity of applying to parliament for relief, did, by their petition to the house of commons, make application for the loan of one million five hundred thousand pounds, or so much as should be wanted to be advanced, and repaid in such manner, and to be attended with such other conditions and provisions as in their said petition is set forth, in consequence whereof the house of commons, came to several resolutions, specifying the terms upon which it might be expedient for the publick to advance to the said united company the sum of one million four hundred thousand pounds, and the several limitations which ought to accompany such loan: and whereas the said united company did, by a subsequent petition, declare their determination to depend on the laws of their country, and submit to the temporary difficulties which may attend the present situation of their affairs, rather than receive the loan offered to them upon the conditions prescribed: and whereas, in case the said company should not be forthwith assisted by the publick with the advance of a considerable sum of money, they would remain altogether unable to provide for the payment of their debts, some of which debts being due to the publick, and others to the governor and company of the bank of England, the payment thereof could not long be postponed without great prejudice to the publick service, and disadvantage to publick credit, and yet could not be expedited or secured otherwise than by the use of such methods as must be attended with consequences the most fatal to the said united company; and, so far as much as upon consideration of the several matters before mentioned, it appears absolutely necessary that immediate provision should be made by parliament for giving assistance to the said company, in such manner, and upon such terms, as may be best calculated for effecting the preservation of the said united company, and the reestablishment of their affairs, without leaving it in the power of the general court of proprietors, by withholding their consent to the acceptance of such assistance, to expose, at once, each separate proprietor of East India stock, the company itself, the creditors of the company, and the publick, to all the mischiefs which must attend the want of such assistance, as aforesaid: and whereas it hath been resolved that a sum, not exceeding one million four hundred thousand pounds, be granted to his Majesty, to be applied for the purpose of relieving the East India Company, and for securing to the creditors of the said company a more speedy satisfaction of their demands: now, to the end that no want or failure may happen or be made by reason or means of such grant, and the application of the same, in the aids granted, or to be granted, in this session of parliament, for defraying the several publick services, and for answering which the said aids were, or may be intended to be applied; and, for the better supplying the said sum of one million four hundred thousand pounds, and applying the same in the most effectual manner for the purposes above mentioned; we your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty,

jeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for the commiſſioners of his Maſteſty's treaſury, now and for the time being, or any three or more of them, or for the high treaſurer for the time being, and he and they reſpectively are hereby authoriſed and impowered, at any time or times before the firſt day of *October*, one thouſand ſeven hundred and ſeventy-three, by his or their warrant or warrants, to direct, or cauſe to be prepared and made, at the receipt of his Maſteſty's exchequer, any number of exchequer bills for ſuch ſum or ſums of money as he or they ſhall think moſt proper and convenient, ſo as all the principal monies to be contained in the bills ſo to be made forth by virtue of this act do not exceed in the whole the ſaid ſum of one million four hundred thouſand pounds, (excluſive of any exchequer bills that are or may be made forth by virtue of any other act or acts paſſed in this ſeſſion of parliament for the publick ſervice;) and the ſaid exchequer bills, ſo to be made forth in purſuance of this act, ſhall bear an intereſt, not exceeding the rate of four pounds *per centum per annum*, and proportionably for any greater or leſs ſum to be contained therein, to be payable to the bearers thereof reſpectively; which ſaid exchequer bills ſhall be made out in the like manner, form, and order, and according to the ſame or like rules and directions, as in and by an act of this preſent ſeſſion of parliament, intituled, *An act for continuing and granting to his Maſteſty certain duties upon malt, munn, cyder, and perry, for the ſervice of the year one thouſand ſeven hundred and ſeventy-three*, are enacted and preſcribed concerning the exchequer bills authoriſed to be made forth in purſuance of the ſaid act.

II. And be it it further enacted by the authority aforeſaid, That all and every the claules, proviſoes, powers, privileges, advantages, penalties, forfeitures, and diſabilities, contained in the ſaid laſt-mentioned act, relating to the exchequer bills authoriſed to be made out by the ſame act, (except ſuch claules as do charge the ſame on the duties granted and contained by the ſame act, and except ſuch claules as limit the rate of intereſt to be paid for the forbearance of the money lent on the credit of the ſaid act, and alſo except as is herein-after mentioned,) ſhall be applied and extended to the exchequer bills to be made forth in purſuance of this act, as fully and effectually, to all intents and purpoſes, as if the ſame exchequer bills had been originally authoriſed by the ſaid laſt-mentioned act, or as if the ſaid ſeveral claules or proviſoes had been particularly repeated and re-enacted in the body of this act.

III. Provided always, and be it further enacted by the authority aforeſaid, That no exchequer bill or bills, to be made out by virtue of this act, ſhall, after the ſame hath or have been iſſued at the receipt of the exchequer, be afterwards, at any time before the ſixth day of *April*, one thouſand ſeven hundred and

Commisſioners of the treaſury, before Oct 1, 1773, are to cauſe exchequer bills, for 1,400,000l. to be applied for relief of the Eaſt India company,

according to the rules in the malt-tax act, 13 Geo. 3.

Claules in the malt-tax act to extend to this act.

The exchequer bills ſhall not be current till April 6. 1779;

nor be exchanged.

seventy-nine, received or taken, or pass or be current, to any receiver or collector in *Great Britain*, of the customs, excise, or any revenue, supply, aid, or tax whatsoever, due or payable to his Majesty, his heirs or successors, or at the receipt of the exchequer, from any such receiver or collector, or from any other person or persons, bodies politick or corporate, otherwise or on any other account than for the discharge and cancelling of such bills, in case the same shall be in due course or order of payment before the said sixth day of *April*, one thousand seven hundred and seventy-nine; nor shall any receiver or collector exchange, at any time, before the said sixth day of *April*, one thousand seven hundred and seventy-nine, for any money of such revenues, aids, taxes, or supplies, in his hands, any exchequer bill or bills which shall have been issued as aforesaid, by virtue of this act; nor shall any action be maintained against any such receiver or collector for neglecting or refusing to exchange any such bill or bills for ready money before the said sixth day of *April*, one thousand seven hundred and seventy-nine, any thing in the said act made in this session of parliament, intituled, *An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and seventy-three*, or this act, contained to the contrary notwithstanding.

The exchequer bills, with the interest, &c. to be chargeable on the monies to be paid into the exchequer by the East India Company.

IV. And be it further enacted by the authority aforesaid, That all such exchequer bills, together with the interest, premium, rate, and charges incident to or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid and borne by and out of the monies to be paid into the receipt of his Majesty's exchequer by the united company of merchants of *England* trading to the *East Indies*, in the manner, and at the times, herein-after directed and appointed: and in case such monies, so to be paid into the said receipt of the exchequer, shall not be sufficient to satisfy and discharge all the principal monies contained in such exchequer bills, together with all the interest, premium, rate, and charges, incident to and attending the same, and that shall incur, and grow due thereupon before the said sixth day of *April*, one thousand seven hundred and seventy-nine; then, and in such case, the said exchequer bills, or such part thereof as shall remain unsatisfied and uncanceled, together with all the interest due, or to grow due thereupon, and all other charges and expences incurred, or to be incurred, in respect of the same exchequer bills, shall be charged and chargeable upon, and payable out of all or any the aids or supplies that shall or may be granted by parliament, for the service of the year one thousand seven hundred and seventy-nine: and, in case sufficient aids or supplies for that purpose shall not be granted before the fifth day of *July*, one thousand seven hundred and seventy-nine, then all the said exchequer bills, with the interest, premium, rate, and charges, incident to or attending the same, shall be, and are hereby charged and chargeable upon such monies as at any time or times at or after

the said fifth day of *July*, one thousand seven hundred and seventy-nine, shall be or remain in the receipt of the exchequer of the surplusses, excesses, overplus monies, and other revenues, composing the fund commonly called *The Sinking Fund*, (except such monies of the said sinking fund as are appropriated to any particular use or uses by any act or acts of parliament in that behalf;) and such monies of the said sinking fund shall and may be issued and applied, as soon as the same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging, such exchequer bills so remaining uncanceled and unpaid, together with the interest, premium, rate, and charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable, on demand, to the respective proprietors thereof.

V. Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be so issued out of the said surplusses, excesses, overplus monies, and other revenues, composing the said sinking fund, shall, from time to time, be replaced by and out of the first aids or supplies to be then after granted in parliament.

Monies issued out of the sinking fund to be replaced by the first aids granted.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor and company of the bank of *England* to advance or lend to his Majesty, at the receipt of the exchequer, upon the credit of the exchequer bills directed to be made forth by virtue of this act, any sum or sums of money, not exceeding in the whole the sum of one million four hundred thousand pounds; any thing in an act, made in the fifth and sixth years of the reign of King *William* and Queen *Mary*, intituled, *An act for granting to their Majesties several rates and duties upon tonage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned to such persons as shall voluntarily advance the sum of one million five hundred thousand pounds, towards carrying on the war against France, to the contrary thereof in any-wise notwithstanding.*

Governor of the bank of England may advance the sum of 1,400,000 l. at the receipt of exchequer.

VII. And forasmuch as it is most immediately necessary, as well for the relief of the said company as for the benefit of the publick service, that certain debts due from the said company to the publick, and certain other debts due from the said company to the governor and company of the bank of *England*, should be without delay discharged; it is hereby enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners of the treasury now and for the time being, or any three or more of them, or the high treasurer for the time being, and he and they is and are hereby authorized, directed, and required, to issue and apply, or cause to be issued, paid, and applied, at the receipt of the exchequer, the said sum of one million four hundred thousand pounds, (directed by this act to be raised by making forth exchequer bills), so far as the same will extend towards satisfying, paying, and discharging, such debts of the said company,

Manner in which the treasury may issue the said sum for defraying the debts of the company.

in manner following; (that is to say), That, out of the said sum of one million four hundred thousand pounds, there shall, in the first place, be issued and paid to the receiver-general of his Majesty's customs all such sum or sums of money as are now due and payable to his Majesty for any custom-duties, subsidies, or impositions whatsoever, and shall be remaining unpaid by the said united company; and, in the next place, there shall be issued and paid out of the said sum of one million four hundred thousand pounds, the sum of one hundred and seventeen thousand three hundred and fourteen pounds, one shilling, and three-pence, and seven-twentieth parts of a penny, to such person or persons as the said commissioners of the treasury now or for the time being, or any three or more of them, or the high treasurer for the time being, shall, by his or their warrant or warrants, authorise and direct to receive the same; which sum of one hundred and seventeen thousand three hundred and fourteen pounds, one shilling, and three-pence, and seven-twentieth parts of a penny, by an act of the last session of parliament, was directed to be paid by the said united company into the receipt of the exchequer on or before the fifth day of *July*, one thousand seven hundred and seventy-two, to complete the whole of the monies due to the publick for making good to the publick the deficiency of the duties on tea for four years ended the fifth day of *July*, one thousand seven hundred and seventy-one; and also there shall be issued and paid unto the same person or persons the further sum of eighty-four thousand eight hundred and forty-two pounds eight shillings and seven-pence and two-fifth parts of a penny, to satisfy and make good to the publick the deficiency of the duties on tea on the fifth day of *July*, one thousand seven hundred and seventy-two, according to an account made up and delivered to the chairman of the said united company, pursuant to the directions of the said last-mentioned act; which said sums of one hundred and seventeen thousand three hundred and fourteen pounds one shilling and three-pence, and seven-twentieth parts of a penny, and eighty-four thousand eight hundred and forty-two pounds eight shillings and seven pence, and two-fifth parts of a penny, making together two hundred and two thousand one hundred and fifty-six pounds nine shillings and ten-pence three farthings, are intended to be and shall immediately be paid back into the said receipt of the exchequer, and shall be applied to the same uses and purposes, to which the duties on tea paid in there are applicable; which warrant or warrants the said commissioners of the treasury, now or for the time being, or any three or more of them, or the high treasurer for the time being, is and are hereby authorised and required to make out accordingly.

Manner in which the remainder of the sum granted shall be applied.

VIII. *And whereas there is due and payable from the said united company to the publick the further sum of two hundred thousand pounds, and one hundred and sixty-nine thousand three hundred and ninety-eight pounds eighteen shillings and two-pence, making together the sum of three hundred and sixty-nine thousand three hundred and ninety-*

ninety-eight pounds eighteen shillings and two-pence, pursuant to an act, made in the ninth year of the reign of his present Majesty, For carrying into execution certain propofals made by the East India company, and the said company being also greatly indebted to the governor and company of the bank of England for monies borrowed for the service of the said united company; be it therefore enacted by the authority aforefaid, That so much of the said sum of one million four hundred thousand pounds, as shall remain after the full satisfaction and payment of the monies due and payable to his Majesty, for the duties of customs, subsidies, and impositions, aforefaid, and of the several sums of one hundred and seventeen thousand three hundred and fourteen pounds one shilling and three-pence, and seven-twentieth parts of a penny, and eighty-four thousand eight hundred and forty-two pounds eight shillings and seven-pence, and two-fifth parts of a penny, also due from the said company, to make good the deficiency of the duties on tea, as aforefaid, shall be applied in manner following: that is to say, there shall be issued and paid to the governor and company of the bank of England the sum of six hundred thousand pounds, in part of the monies due and owing from the said united company to the said governor and company of the bank of England, and all the rest, residue, and remainder of the said sum of one million four hundred thousand pounds, after satisfying and paying all and every the sums herein-before directed to be paid thereout, shall remain in the receipt of the exchequer, for supplying the before-mentioned sums of two hundred thousand pounds, and one hundred and sixty-nine thousand three hundred and ninety-eight pounds eighteen shillings and two-pence, making together the sum of three hundred and sixty-nine thousand three hundred and ninety-eight pounds eighteen shillings and two-pence, due and payable from the said united company to the publick, pursuant to the said act of the ninth year of the reign of his present Majesty, and shall be issued, paid, and applied, for and towards such of the publick services as the said sums of two hundred thousand pounds, and one hundred and sixty-nine thousand three hundred and ninety-eight pounds, eighteen shillings and two-pence, are or may be applicable to, in the same manner as if such monies had been actually paid into the said receipt of the exchequer by the said united company, at the times, and in the manner, prescribed and directed by the said act of the ninth year of the reign of his present Majesty; which several sums, so payable at the exchequer pursuant to this act, shall be paid, clear of all fees, charges, or gratuities whatsoever.

IX. And be it further enacted by the authority aforefaid, That the said united company of merchants of England trading to the *East Indies*, and their successors, shall, upon the payment of the several sums herein-before directed to be made to the receiver-general of his Majesty's customs, and into the receipt of his Majesty's exchequer, be fully exonerated, acquitted, and discharged against his Majesty, his heirs and successors, for and in

How difficulties are to be prevented in discharging the company of their said debts.

respect of all and every the sums herein directed to be paid, and that shall be paid pursuant thereto, and from all writs, actions, suits, and proceedings, for or on account of such debts, or so much of the same as shall be satisfied by such payments; and also of the sum or sums hereby intended to be paid at the receipt of the exchequer to the bank of *England*, in respect of the whole or such part of the said united company's debts as shall be so discharged; and that no dispute or difficulty may arise, for or on account of the monies that shall or may be paid to the bank of *England*, at the receipt of the exchequer, in pursuance of this act, a certificate shall be made forth, ascertaining the amount of the sum or sums so paid, and the day of payment of the same, which shall be signed by the auditor of the said receipt of the exchequer, the clerk of the pells, and the teller or tellers who paid the same; and in the absence of those officers, or either of them, by the deputy or deputies of such absent officer or officers attending at the said receipt at the time of payment of such monies; and such certificate shall be made forth and signed without fee or charge, and shall be good and sufficient evidence in law against the said governor and company of the bank of *England*, for and in respect of such sum or sums so paid in satisfaction or diminution of the debt or debts due to the bank of *England* from the said united company.

Act 7 Geo. 3.

X. *And whereas by an act, passed in the seventh year of his present Majesty's reign, intituled, An act for taking off the inland duty of one shilling per pound weight on all black and singlo teas consumed in Great Britain; and for granting a drawback upon the exportation of teas to Ireland, and the British dominions in America, for a limited time, upon such indemnification to be made in respect thereof by the East India Company, as is therein mentioned; for permitting the exportation of teas in smaller quantities than one lot to Ireland, or the said dominions in America; and for preventing teas seized and condemned from being consumed in Great Britain; it is enacted, That in case the said united company, or their successors, should make failure in any of the payments directed by the said act to be made into the receipt of his Majesty's exchequer, in the manner, or on or before the respective times therein limited for that purpose; that then, as often as the case should happen, the money, whereof such failure in payment should be made, should be recovered to his Majesty's use, in the manner therein mentioned; and that there should be further recovered to his Majesty's use, against the said united company, damages after the rate of twelve pounds per centum per annum, for the respective monies so unpaid, contrary to the said act, with full costs of suit; and the said united company, and their successors, and all their stock, funds, and all other their estate and property whatsoever and wheresoever, are thereby made subject and liable to the payment of such monies, damages, and costs.*

Act 9 Geo. 3.

XI. *And whereas by another act of parliament passed in the ninth year of the reign of his present Majesty, intituled, An act for carrying*

ing into execution certain proposals made by the *East India Company* for the payment of the annual sum of four hundred thousand pounds for a limited time, in respect of the territorial acquisitions and revenues lately obtained in the *East Indies*, it is enacted, That the united company of merchants of *England* trading to the *East Indies*, and their successors, should advance and pay into the receipt of his Majesty's exchequer, for his Majesty's use, the sum of four hundred thousand pounds *per annum*, for and during the term of five years, to be computed from the first day of *February*, one thousand seven hundred and sixty-nine, by half-yearly payments of two hundred thousand pounds each, which payments are directed to be paid at the times therein mentioned: and in case the said united company should make failure in any of the said payments thereby directed to be made into the receipt of his Majesty's exchequer, on or before the respective times therein limited; that then, and as often as the case should happen, the money, whereof such failure in payment should be made, should and might be recovered to his Majesty's use, in the manner therein mentioned; and that there should be further recovered to his Majesty's use, against the said united company, damages after the rate of fifteen pounds *per centum per annum*, for the monies so unpaid, contrary to the said act, together with full costs of suit; and the said united company, and their successors, and all their stock, funds, and all other their estates and property whatsoever, are thereby made liable to the payment of all such monies, damages, and costs.

XII. *And whereas the several deficiencies of the duties upon tea, and also of the said annual sum of four hundred thousand pounds, whereof any failure of payment hath been made by the said united company, will be paid and made good to the publick, under the provisions of this present act; and it is expedient, in the present situation of the said united company's affairs, that they should be indemnified against all damages which may have been incurred, or which may be recoverable against them, under either of the said last-recited acts, by means of their failure in making such payments at the times therein respectively prescribed and directed; be it therefore enacted by the authority aforesaid, That from and after the payment into the receipt of his Majesty's exchequer of the several sums of money herein-before directed to be paid, in discharge of the several principal sums due from the said united company, under the said recited acts, or either of them, the said united company, and their successors, shall be, and they are hereby declared to be, from thenceforth fully and absolutely freed, exonerated, and discharged, of and from all damages and costs which they the said united company may have incurred, or which may be recoverable against them, by means or on account of any failure in payment of any of the said principal sums respectively, by the said recited acts, or either of them, directed to be paid, as therein mentioned.*

XIII. *And whereas, in the present circumstances of the East India Company, it will not be in their power to provide for the repayment* Application of the revenues of the com.

pany, till their
debt be re-
duced.

*ment of such loan as aforesaid, and for establishing their affairs upon a more secure foundation for the time to come, unless the publick should agree to forego, for the present, all participation in the profits arising from the territorial acquisitions and revenues lately obtained in the East Indies, in order that provision be made by parliament for applying as well the whole of the profits arising from the said territorial acquisitions and revenues, as all the revenue and profits of the company, after providing for certain necessary payments and deductions to be made thereout, to the repayment of the said sum of one million four hundred thousand pounds, and to the reduction of the company's bond debt; be it therefore enacted by the authority aforesaid, That until the said sum of one million four hundred thousand pounds shall have been repaid, and the bond debt of the said company be reduced to the sum of one million five hundred thousand pounds, the whole clear profits arising from the said territorial acquisitions and revenues, after defraying the charges and expences attending the same, together with all the clear revenue and profits of the said company, after providing for the current payments of interest, and other outgoings, charges, and expences of the said company, shall, from time to time, be disposed of and applied in manner following; that is to say, until the whole of the money so advanced and applied as aforesaid shall have been repaid, it shall and may be lawful, out of the said clear revenues and profits, to set apart and apply, in the first place, such sum as may be sufficient for answering a dividend to the proprietors of the stock of the said company, not exceeding the rate of six pounds *per centum per annum*, upon the capital stock of the said company, and all the surplus of the said clear revenues and profits shall be applied in diminution of the said sum of one million four hundred thousand pounds, or such part thereof as shall be remaining unpaid, and for defraying the charges incurred in respect thereof; and after the repayment of the whole of the money so advanced and applied as aforesaid, and until the bond debt of the said company shall be reduced to the sum of one million five hundred thousand pounds, it shall and may be lawful, in like manner, to set apart and apply, in the first place, out of the said clear revenues and profits, such sum as may be sufficient for answering a dividend not exceeding the rate of seven pounds *per centum per annum*, upon the capital stock of the said company; after which, all the surplus of the said clear revenues and profits shall be applied in reducing the bond debt of the said company.*

Surplus of
their clear re-
venue to be
applied in di-
minution of
their debt.

XIV. And be it further enacted by the authority aforesaid, That until the said sum of one million four hundred thousand pounds, so advanced as aforesaid, shall have been repaid, the said united company shall, from time to time, pay, or cause to be paid, into the receipt of his Majesty's exchequer, by half-yearly payments, such surplus of the clear revenue and profits of the company, as is herein-before directed to be applied in diminution of the said sum of one million four hundred thousand pounds, or such part thereof as shall be remaining unpaid, and
for

for defraying the charges incurred in respect thereof, to be applied, in the first place, for answering and paying all such interest, premium, rate, and charges, as shall have grown due in respect of the exchequer bills made out, issued, and circulated, as aforesaid; and in the next place, as far as the same will extend, for paying off, cancelling, and discharging, such of the said exchequer bills as shall then remain uncanceled.

XV. And be it further enacted by the authority aforesaid, That, during the continuance of this act, the said united company do, and they are hereby directed and required, to cause to be made up, half-yearly, with as much accuracy as the nature of the case will admit, a statement or account of the profit and loss upon the whole of the trade and revenues of the said company, together with a state of the debts of the said company in *England*, exclusive of their bond debt, to the first day of *March* and the first day of *September*, in every year, the first of such statements or accounts to be made up from the first day of *September*, one thousand seven hundred and seventy-three, to the first day of *March*, one thousand seven hundred and seventy-four; and to transmit such statement or account, fairly written, and signed by two or more of the directors of the said united company, within twenty-one days after the day to which such statement or account shall be made up respectively, to the commissioners of his Majesty's treasury, or the high treasurer for the time being.

XVI. And be it further enacted by the authority aforesaid, That from and after the passing of this act, and until the said sum of one million four hundred thousand pounds shall be repaid, it shall not be lawful for the said united company, or their successors, or any of their officers or servants on their account, to accept, or otherwise bind the said company, or their successors, for the payment of any bill or bills of exchange drawn by any of their officers or servants at any of their presidencies in the *East Indies*, for any sum exceeding the sum of three hundred thousand pounds, exclusive of certificates to the amount of five thousand pounds to the commanders and officers of each of the company's ships, in the space of any one year, without the consent or order first had and obtained of the commissioners of his Majesty's treasury now and for the time being, or any three or more of them, or of the high treasurer for the time being, who are hereby respectively authorized to give such consent, or to make such order thereon, as they shall judge expedient; and every acceptance or engagement made, contrary to the true intent and meaning of this act, shall be null and void to all intents and purposes.

XVII. And be it further enacted by the authority aforesaid, That, during the term of two years, to be computed from the twenty-ninth day of *September*, one thousand seven hundred and seventy-three, the said united company, or their successors, shall, and are hereby required, to export from *Great Britain*, in each and every year, during such term to the *British* settlements, within the limits prescribed by the said company's charter for their carrying on an exclusive trade in the *East Indies*, or elsewhere,

Statements of the company's debts to be made up every half year.

Company shall not bind themselves with bills of exchange, without the consent of the treasury.

Amount of merchandise which shall be exported yearly by the company.

Security to be
given to the
treasury for
the due export-
ation thereof.

where, upon the account of the said company, or their successors, in their course of trade, exclusive of what may be exported by their servants or private traders, licensed by the said company, or their successors, such goods and merchandises of the growth, produce, or manufacture, of *Great Britain*, as shall amount in value to the sum of three hundred and eighty thousand eight hundred and thirty-seven pounds, in each and every such year; but the amount of the value of the military and naval stores so exported shall not be esteemed or reckoned as part of the said sum of three hundred eighty thousand eight hundred and thirty-seven pounds *per annum*; and the said company, or their successors, shall, on or before the first day of *June*, one thousand seven hundred and seventy-four, and on or before the first day of *June*, one thousand seven hundred and seventy-five, give security, by bond, to his Majesty, his heirs and successors, under the common seal of the said company, or of their successors, in the penal sum of double the said sum of three hundred eighty thousand eight hundred and thirty-seven pounds, for the due exportation of the said goods and merchandises annually, to the amount of the said sum of three hundred eighty thousand eight hundred and thirty-seven pounds, according to the real value of such goods and merchandises in this kingdom at the time of such exportation, or of the purchase thereof, by or on the behalf of the said company, or their successors; which security the high treasurer or the commissioners of his Majesty's treasury for the time being, or any three or more of such commissioners, is or are hereby authorised to take; and the said company, or their successors, shall, on or before the thirty-first day of *October*, one thousand seven hundred and seventy-four, and on or before the thirty-first day of *October*, one thousand seven hundred and seventy-five, deliver to the said high treasurer, or commissioners, an account, in writing, signed by two or more of the directors of the said company for the time being, specifying the particular goods and merchandises which shall have been so exported in every such year in pursuance of and according to the true intent and meaning of this act, with the said true and real values of such goods and merchandises, with the names of the ships in which the same were respectively so exported; and which account shall be verified, on oath, made before any one justice of the peace, (which oath such justice is hereby authorised and required to administer), by the proper officers or servants of the said company, or their successors, who shall keep their books for the entry of goods outwards, to the best of their knowledge; and if it shall appear, to the satisfaction of the said high treasurer, or commissioners, that goods and merchandises shall have been, agreeably to the directions of this act, exported as aforesaid in the respective year, in relation whereto each bond shall have been so given, then, in each and every such case, the said high treasurer, or commissioners, shall cause such bond to be delivered up; but in case no such account shall be delivered as herein before mentioned, or if it shall appear that the said goods and merchandises exported within the

term

term mentioned in any such bond shall not have amounted to such value as aforesaid, or that any such account shall appear not to be truly made, it shall and may be lawful for the said high treasurer, or commissioners, to cause each and every such bond to be prosecuted according to law, unless he or they shall find sufficient cause to forbear the same.

XVIII. Provided always, and be it enacted by the authority aforesaid, That in case the said company or their successors, shall, in any one of the said two years export, or cause to be exported, such goods and merchandises of the growth, produce, or manufacture of *Great Britain*, exceeding in value the sum of three hundred eighty thousand eight hundred and thirty-seven pounds; then, and in such case, the said excess shall, from time to time, be taken into the account of the exports of such goods and merchandises by the said company, or their successors, in and for the next succeeding year, and shall be allowed and considered as part thereof.

Excess in one, to be allowed in the succeeding year.

C A P. LXV.

An act for explaining two acts, made in the eleventh year of the reign King George the First, and the thirtieth year of the reign of his late Majesty, in relation to the Stamp-duties upon News-papers.

WHEREAS by an act of parliament made in the eleventh year of the reign of his Majesty King George the First, after reciting, amongst other things, that the authors or printers of several journals, mercuries, and other news-papers, did, with an intent to defeat the payments of the duties therein mentioned, and in fraud of the crown, so contrive as to print their said journals and news-papers on one sheet and a half sheet of paper each, and by that means they did neither pay the duties of one penny for each sheet, nor a halfpenny for the half sheet, as by law they ought to have done, but entered them as pamphlets, and paid only three shillings for each impression thereof, whereby his Majesty had been much injured in his revenue, and the printers of other news-papers, who did regularly pay the said duties, were great sufferers; it was enacted and declared, That such journals mercuries, and news papers, so printed on one sheet and half sheet of paper, should not, for the future, be deemed or taken as pamphlets to be entered, and to pay only three shillings for each impression thereof: and it was also further enacted, That from and after the twenty fifth day of April, one thousand seven hundred and twenty-five, the following duties should be paid to his Majesty, his heirs and successors, upon every journal, mercury, or other publick news-papers, which should be printed and published in Great Britain; that is to say, for every sheet of paper on which any journal, mercury, or other news-papers whatsoever, should be printed, a duty of one penny sterling; and for every half sheet thereof the sum of one halfpenny sterling; as by the said recited act, relation being thereunto had, may more fully and at large appear: and whereas by another act of parliament, made in the thirtieth year of the reign of his late Majesty King George the

Preamble.

Act 11 Geo. 1
and act 30
Geo. 2. 1c-
cited.

news-

news-paper, or paper containing publick news, intelligence, or occurrences, printed in Great Britain, to be dispersed and made publick, whether the same be contained in half a sheet, or any less piece of paper, or in any paper larger than half a sheet, and not exceeding one whole sheet, over and above all other rates and duties: and whereas doubts have arisen whether journals, mercuries, chronicles, or other news-papers, printed on more than on one sheet and a half of paper, might not be entered as pamphlets, and pay only three shillings for each impression thereof, instead of the duty chargeable on every sheet of each copy thereof; and certain printers and publishers of journals, mercuries, chronicles, and other news-papers, have increased the number of sheets on which the same have been printed, with an intent to evade the payment of the said duties, and in fraud of his Majesty's revenue: for remedy whereof, be it enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said herein-before recited acts of parliament, and the duties thereby granted on journals, mercuries, and other publick news-papers, were meant and intended, and do accordingly extend to, and charge with, the said duties respectively, every sheet, and every half sheet of paper, on which any journal, mercury, chronicle, or other publick news-paper, or paper containing publick news, intelligence, or occurrences, were or shall be printed, whether such journals, mercuries, chronicles, or other publick news-papers, or papers containing publick news, intelligence, or occurrences, were or shall be contained in a greater or less number of sheets or half sheets of paper; any thing in the said recited acts, or any other act of parliament, to the contrary thereof in any-wise notwithstanding.

Duties of the
before-recited
acts continu-
ed by this act.

C A P. LXVI.

An act for raising a certain sum of money by loans, or exchequer bills, for the service of the year one thousand seven hundred and seventy-three.

C A P. LXVII.

An act for laying an additional duty on paper printed, painted, or stained, in foreign parts, imported into this kingdom.

Preamble.

Act 3 Edw. 4.

Act 1 Ric. 3.

WHEREAS by an act of parliament, made in the third year of the reign of King Edward the Fourth, (intituled, Certain merchandises not lawful to be brought ready-wrought into this realm), amongst several other articles therein mentioned, any painted wares are prohibited to be brought into this realm, to be uttered and sold within the same; and by another act made in the first year of the reign of King Richard the Third, (intituled, Certain merchandises prohibited to be brought ready-wrought into this realm); it is, amongst other things, ordained and provided, That no merchant stranger shall bring into this realm to be sold any manner of painted papers: and whereas notwithstanding the said recited acts, great quantities of paper painted in foreign parts have been clandestinely brought and im-
ported

ported into this kingdom, and privately run on shore and sold here; and there is great reason to believe that several parcels of such painted paper, which, upon importation, have been entered for private use, and paid the duties imposed by law upon painted paper so imported, have nevertheless afterwards been sold and disposed of in this kingdom, to the great prejudice of the paper stainers and artificers in that branch of business here: and whereas all paper, printed, painted, or stained, in Great Britain, is liable to an additional duty of one penny halfpenny for every yard square, which duty is not chargeable upon the importation of paper, printed, painted, or stained, in foreign parts; and it may tend to discourage the clandestine and illegal importation and sale of foreign painted paper, and to encourage the manufacture of painted paper in this kingdom, if the importation of such paper to be sold here was permitted, subject to the like additional duty as is charged upon such paper, printed, painted, or stained, in this kingdom; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *August*, one thousand seven hundred and seventy-three, it shall and may be lawful for any person or persons whatsoever, to import into this kingdom, by way of merchandise, and to utter and sell the same here, any sort of paper, printed, painted, or stained, in foreign parts; any thing in the before-recited acts, or any other act or acts to the contrary notwithstanding.

II. And it is hereby further enacted by the authority aforesaid, That from and after the said first day of *August*, one thousand seven hundred and seventy-three, all paper, printed, painted, or stained, in foreign parts, and imported into this kingdom, over and above the customs, subsidies, and duties, already imposed thereupon, shall be charged with and liable to pay a further duty of one penny halfpenny for every yard square thereof, and in that proportion for any greater or less quantity of such paper; which said additional duty shall be raised, levied, and recovered, and paid by the same rules and regulations, and under such penalties and forfeitures, as the former duties payable upon the importation of such paper are by any law now in force, raised, levied, recovered, and paid; and the same shall be applied and appropriated to the same uses and purposes, and in the same proportions, as the new duties imposed upon painted paper imported into this kingdom, by two acts of parliament, made in the tenth and twelfth years of the reign of Queen *Anne*, are applied and appropriated.

III. Provided always, and it is hereby further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to charge any paper with the additional duty by this act granted, which shall be printed, painted, or stained, in the *East Indies*, and imported from thence by the united company of merchants of *England* trading thither, or persons licensed by them; any thing herein-before contained to the contrary notwithstanding.

After August, 1773, no paper printed or stained to be imported or sold.

Duty of one penny halfpenny to be imposed per yard on all paper imported.

Not to extend to affect the East India Company.

C A P. LXVIII.

An act to empower the magistrates therein mentioned to settle and regulate the wages of persons employed in the silk manufacture within their respective jurisdictions.

Preamble.

After July 1, 1773, the wages of journey-men weavers within London to be settled by the lord mayor, &c. and in Middlesex and Westminster, &c. by the justices of the peace.

Orders to be published in two news-papers three times, at the expence of persons applying for the same. Master weavers giving more or less wages than shall be settled, as aforesaid, on conviction, to forfeit 50l.

Penalty how to be applied.

WHEREAS it would be for the benefit of persons employed in the silk manufacture, if the magistrates were empowered to settle, between the master weavers and their journeymen, the price of labour in the several branches of the said manufacture; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of July, one thousand seven hundred and seventy-three, the wages and prices for work of the journeymen weavers within the city of London shall be settled, regulated, and declared, by the lord mayor, recorder, and aldermen, of the said city; and in all places in the county of *Middlesex*, by the justices of the peace for the said county; and in all places within the city and liberty of *Westminster*, at the general quarter sessions of the peace holden in and for the said city and liberty; and in all places within the liberty of the *Tower of London*, at the general quarter sessions of the peace holden in and for the said liberty, at their general quarter sessions of the peace respectively; and the lord mayor, recorder, and aldermen, of the city of *London*, and the said justices of the peace, are hereby respectively authorised and empowered, from time to time, upon application being made to them for that purpose, to settle, regulate, order, and declare, the wages and prices of work of the journeymen weavers working within their respective jurisdictions as aforesaid; and shall and may, within the space of fourteen days next after the making every such order, cause the same to be printed and published, at the reasonable expence of the person or persons applying for the same, three times, in any two daily news-papers published in *London* or *Westminster*; which publication shall be deemed and allowed to be sufficient notice and publication thereof; and from and after publication thereof, all weavers, and their journeymen, are hereby strictly required to observe the same.

II. And be it further enacted, That if after the said first day of July, one thousand seven hundred and seventy-three, any master weaver, within either of the aforesaid districts, shall give more or less wages, or pay larger or less prices, to any of the journeymen weavers aforesaid, for their work, than shall be settled or allowed as aforesaid, and shall be convicted of the said offences before any two of his Majesty's justices of the peace, within either of the districts or jurisdictions aforesaid where the said offence shall be committed, on the oath or oaths of one or more credible witness or witnesses, he shall forfeit the sum of fifty pounds; to be levied by distress and sale of the offender's goods; and the said penalty, when recovered, shall be paid into the hands of the master of the weavers' company, first deducting

ing the expence of such prosecution, to be distributed by him, in conjunction with the wardens of the said company, to any distressed journeyman weavers, or their families, who shall have been last employed in either of the aforesaid jurisdictions, at their discretion.

III. And be it further enacted, That if any journeyman weaver or weavers within the districts aforesaid, shall ask, receive, or take more or less wages, or larger or less prices for their work than shall be settled by the respective quarter-sessions, as aforesaid; or shall enter into any combination to raise the wages or prices of the said work, or for this purpose shall decoy, solicit, or intimidate, any journeyman or journeyman weavers within the districts aforesaid, so that he or they quit their masters, for whom they shall then be employed; or shall assemble themselves in any numbers exceeding the number of ten, in order to frame or deliver petitions or other representations, touching their wages or prices of work, except to the said justices of the peace, or to the lord mayor, recorder, and aldermen, of the city of *London*, at their respective quarter-sessions, and shall be convicted of any of the said offences, on the oath or oaths of one or more credible witness or witnesses, before any two or more of his Majesty's justices of the peace, within either of the districts or jurisdictions aforesaid where the offence shall be committed, shall forfeit a sum not exceeding forty shillings: and if the said forfeiture be not immediately paid, it shall and may be lawful for the said justices to commit the said offender to the house of correction, to hard labour, for any time not exceeding three months; the said forfeiture, when recovered, to be applied in the same manner as the forfeiture of fifty pounds aforementioned.

Journeyman weavers taking more or less wages than shall be settled, or entering into combinations, &c. shall forfeit 40s.

Penalties not being immediately paid, offenders to be committed.

IV. And be it further enacted, That it shall and may be lawful for any two justices of the peace, within the limits and jurisdictions aforesaid, on information upon oath made before them by any person or persons whatsoever, that there is reason to suspect that any master or journeyman weaver, within the districts or jurisdictions aforesaid, hath been guilty of any of the offences aforesaid, at request of such informant, to issue their summons, in writing, signed by any such two justices, requiring any clerk, foreman, apprentice, servant, or other person or persons employed or retained by such person so suspected to have offended, or any other person or persons whatsoever, whose attendance shall appear necessary for the purpose of giving evidence in the premises, to attend and testify concerning the premises: and if any person so summoned shall not attend, and proof shall be made of the service of such summons, either personally, or by leaving the same at the last or usual place of abode of such person, it shall be lawful for such two justices, or any other two justices of the peace acting for such county or place, and they are hereby required (unless a reasonable excuse be made for such nonattendance to the satisfaction of such justices) to issue their warrant, under their

Justices, on suspicion of offences committed, may issue summonses necessary for evidence.

Persons refusing to attend, justices may issue their warrant;

or attending
and refusing
to be examin-
ed, may be
committed.

their hands and seals, for the apprehending and bringing him or her before them, or some other two or more justices of the peace acting for such county or place, to be examined touching the premises; and if any such person so attending, or being brought before such justices, shall refuse to be examined or give their testimony touching the premises, such person shall by the said justices be committed to the house of correction for one month, there to remain, unless he or she shall sooner submit to be examined and give testimony, as the law requires.

Master wea-
vers within
the limits em-
ploying jour-
ney-men be-
yond the li-
mits, with de-
sign to elude
this act, &c.
to forfeit 50l.

V. And be it further enacted, That if any master weaver residing within the limits aforesaid, shall, directly or indirectly, in any manner whatsoever, retain or employ any journeyman weaver out of or beyond the limits aforesaid, with intent or design to elude or evade this act, or shall give, allow, or pay, or cause to be given, allowed, or paid, to such journeyman, any more or less wages than shall be settled, as aforesaid, every such person shall, for every such offence, forfeit fifty pounds; to be sued for by action of debt, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed, and wherein the ordinary costs of the suit shall be paid; one moiety of which said forfeiture, when recovered, shall belong and be paid to his Majesty and his successors, and the other moiety to the person who shall sue for the same.

Forfeitures
how to be ap-
plied.

Not to fix the
wages of fore-
men.

VI. Provided always, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to fix, controul, or regulate, the wages or allowances to be paid to servants in the said business of a weaver, *bona fide* retained and employed as foremen.

No silk wea-
vers residing
within the
districts afore-
said to have
more than
two apprentice-
ces at one
time. under
penalty of 20l.

VII. And be it further enacted by the authority aforesaid, That from and after the passing of this act, no person or persons, being silk weavers, residing within the districts aforesaid, shall have in his or their service at any one time more than two apprentices, upon pain of forfeiting for every offence the sum of twenty pounds; to be levied by distress and sale of the offender's goods and chattels, upon conviction, on the oath or oaths of one or more credible witness or witnesses, before two justices of the peace within either of the jurisdictions aforesaid where the said offence shall be committed; and the said penalty, when recovered, shall be paid into the hands of the master of the weavers' company, to be applied by him, as aforesaid, and the said justices are hereby authorised and required to discharge every such apprentice or apprentices exceeding the number of two.

Penalty to be
applied as a-
foresaid.

Persons con-
victed before
two justices
may appeal to
the quarter
sessions.

VIII. Provided also, and be it further enacted, That it shall and may be lawful for any person convicted before any two justices of the peace, as before mentioned, to appeal to the justices of the peace assembled at the next general quarter sessions, or general sessions to be held for the county, city, or place, wherein such conviction shall be made, giving immediate notice of such appeal, and finding sufficient security to the satisfaction of such justices for being personally present at such general quarter sessions

essions or general sessions, and for prosecuting the said appeal with effect, and abiding the judgement of the court; and such justices, in such general quarter sessions or general sessions, shall finally hear and determine the matter, and shall have power to award reasonable costs to either party as to them shall seem just; and if such conviction shall be affirmed at such general quarter sessions or general sessions, such appellant shall be committed to prison for the time specified in the said conviction, and until payment of the costs so to be awarded.

Determination of justices shall be final.
Conviction affirmed at quarter sessions, appellant may be committed.

IX. Provided also, and be it further enacted by the authority aforesaid, That no action shall be brought against any justice of the peace, constable, headborough, or other officer, or against any other person or persons whomsoever, for any matter or thing whatsoever done or committed, under, by virtue, or in the execution of this act, unless such action shall be brought within six calendar months next after the doing or committing of such matter or thing.

Limitation of actions.

X. Provided also, That if any action or suit shall hereafter be commenced or prosecuted against any person or persons, for any thing done under, by virtue, or in the execution of this act, such person or persons may plead the general issue, and give this act, and the special matter, in evidence; and if the plaintiff shall become nonsuited, or suffer discontinuance, or forbear further prosecution, or if judgement shall be given for the defendant or defendants, such defendant or defendants shall recover his, her, or their full costs, for which he, she, or they, shall have like remedy as in cases where costs by law are given to defendants.

General issue.

Full costs.

XI. And be it further enacted, That this act shall be taken and allowed to be a publick act in all courts within this kingdom; and all judges and justices of the peace are hereby required to take notice thereof as such, without specially pleading the same.

Publick act.

C A P. LXIX.

An act for further continuing an act, made in the fourth year of the reign of his present Majesty, for importing salt from Europe into the province of Quebec in America, for a limited time.

WHEREAS the law herein-after mentioned, which hath, by experience, been found useful and beneficial, is near expiring: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the fourth year of the reign of his present Majesty, for importing salt from Europe into the province of Quebec in America, for a limited time, which was to continue in force from the twenty-fourth day of June, one thousand seven hundred and sixty-four, for the term of one year, and from thence to the then next session of parliament,

Preamble.

Act 4 Geo. 3.

and act 6
Geo. 3.

further conti-
nued, from
the expiration
thereof, till
June 24, 1780.

and which, by an act, made in the sixth year of the reign of his present Majesty, was further continued, from the expiration thereof, until the twenty-fourth day of *June*, one thousand seven hundred and seventy-three, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued, from the expiration thereof, until the twenty-fourth day of *June*, one thousand seven hundred and eighty, and from thence to the end of the then next session of parliament.

C A P. LXX.

An act to continue an act, made in the thirty-first year of the reign of his late majesty King George the Second, intituled, An act for the encouragement of the exportation of culm to Lisbon, in the kingdom of Portugal; and for charging a higher duty upon culm exported thither in foreign shipping.

Preamble.

Act 31 Geo. 2.
renewed,

WHEREAS by an act, made in the thirty-first year of the reign of his late majesty King George the Second, (intituled, An act for the encouragement of the exportation of culm to *Lisbon*, in the kingdom of *Portugal*), it is enacted, That from and after the twenty-fifth day of *March*, one thousand seven hundred and fifty-eight, it shall be lawful for any person or persons, for and during the term of fifteen years, and from thence to the end of the then next session of parliament, to export any quantity of culm to the city of *Lisbon*, in the kingdom of *Portugal*, upon payment of a duty of one shilling for every chalder, *Newcastle* measure, of culm, so exported under the regulations in the said act mentioned: and whereas it is expedient that the said encouragement should be further continued to any persons exporting such culm, as aforesaid, in British shipping, but that the larger duty should be paid for culm so exported in foreign shipping; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act shall be, and the same is hereby further continued from the expiration thereof, until the twenty-fifth day of *March*, one thousand seven hundred and ninety three, and from thence to the end of the then next session of parliament, for, and in respect to all culm which shall be exported under the regulations and restrictions in the said act mentioned, in *British*-built shipping navigated according to law.

and further
continued,
from the ex-
piration there-
of, till March
25, 1793.

Any person
whatever, du-
ring the con-
tinuance of
this act, may
export culm
to *Lisbon*, on
payment of

II. And it is hereby further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons whatsoever, from and after the passing this act, and during the continuance thereof, to export any quantity of culm to the said city of *Lisbon*, in any foreign ship or vessel, upon payment of a duty of one shilling and sixpence for every chalder, *Newcastle* measure; which culm shall be exported in all other respects un-
der

der the like rules and regulations, and subject to the same securities, penalties, and forfeitures; and the said duty of one shilling and sixpence shall be raised, levied, collected, recovered, paid, and applied, in the same manner, and by the same methods, as are prescribed in and by the said recited act for culm exported in pursuance thereof; any thing in the said recited act, or any other act, to the contrary notwithstanding.

C A P. LXXI.

An act for the better preventing the counterfeiting, clipping, and other diminishing the gold coin of this kingdom.

WHEREAS the preventing the currency of clipped and unlawfully diminished and counterfeit money is a more effectual means to preserve the coin of this kingdom entire and pure, than the most rigorous laws for the punishment of such as diminish or counterfeit the same: and whereas by the known laws of this kingdom, no person ought to pay, or knowingly tender in payment, any counterfeit or unlawfully diminished money, and all persons may not only refuse the same, but may, and by the ancient statutes and ordinances of this kingdom have been required to destroy and deface the same, and more particularly the tellers in the receipt of the exchequer, by their duty and oath of office, are required to receive no money but good and true, and to the end the same might be the better discerned and known by the ancient course of the said receipt of the exchequer, all money ought to be received there by weight as well as tale: and whereas, by an act, As 9 & 10. Gul. 3.

passed in the ninth and tenth years of the reign of the late King William the Third, (intituled, an act for the better preventing the counterfeiting, clipping, and other diminishing the coin of this kingdom,) provisions are made for preventing the currency of clipped and counterfeit silver money, but respecting the gold money no provision is thereby made; be it declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it is and shall be lawful to and for any person to whom any gold money shall be tendered, any piece or pieces whereof shall be diminished, otherwise than by reasonable wearing, or that by the stamp, impression, colour, or weight thereof, he shall suspect to be counterfeit, to cut, break, or deface, such piece or pieces; and if any piece so cut, broken, or defaced, shall appear to be diminished (otherwise than by reasonable wearing) or counterfeit, the person tendering the same shall bear the loss thereof; but if the same shall be of due weight, and appear to be lawful money, the person that cut, broke, or defaced the same, shall, and is hereby required, to take and receive the same, at the rate it was coined for; and if any question or dispute shall arise, whether the piece so cut be counterfeit or diminished, in manner aforesaid, it shall be heard and finally determined by the mayor, bailiff or bailiffs, or other chief officer, of any city or town corporate, where such tender shall be made; and if such tender shall be made out of any city or town corporate, then where such

Persons to whom gold money shall be tendered, diminished, otherwise than by reasonable wearing, or appearing to be counterfeit, may cut or deface such money. Disputes to be finally determined by mayors, &c. in cities, and by any justice of the county where such

tender shall
be made;
who may ad-
minister oaths.

by some justice of the peace of the county inhabiting or being near the place where such tender shall be made; and the said mayor, or other chief officer, and justice of the peace, shall have full power and authority to administer an oath, as he shall see convenient to any person for the determining any questions relating to the said piece.

Tellers of the
exchequer are
to cut or de-
face gold mo-
ney unlawful-
ly diminished.

II. And be it further enacted by the authority aforesaid, That the tellers at the receipt of his Majesty's exchequer, and their deputies and clerks, shall, and they are hereby required, to cut, break or deface, or cause to be cut, broken, or defaced, every piece of counterfeit or unlawfully diminished gold money that shall be tendered in payment to them, to the use of his Majesty, his heirs or successors, or for or in respect of any part of the revenue, aids, impositions, duties, or taxes, of his Majesty, his heirs or successors: and the better to discover gold money that is counterfeit, or unlawfully diminished, from that which is good and true, the said tellers, and their respective deputies and clerks, shall weigh in whole sums or otherwise, all gold money by them received; and if the same, or any piece thereof, shall, by the weight, or otherwise, appear to be counterfeit, or unlawfully diminished, the same shall not be received by or from them, in the said receipt of the exchequer, nor be allowed them upon their respective accounts.

C A P. LXXII.

An act to permit the free importation of cod-fish, ling, and hake, caught and cured in Chaleur Bay, or any other part of the gulph of Saint Lawrence, or on the coast of Labrador.

Preamble.
Act 2 & 3
Annæ.

WHEREAS by an act, made in the second and third years of the reign of her late majesty Queen Anne, (intituled, an act for the better securing and regulating the duties upon salt,) cod fish, ling, or hake, caught and cured at Newfoundland, or Iceland, are permitted to be imported, brought in, or landed, under certain restrictions and regulations therein particularly mentioned: and whereas it may tend to the increase of the trade and navigation of this kingdom, if the like permission were granted of importing and bringing in cod fish, ling, or hake, caught and cured in Chaleur Bay, or any other part of the gulph of Saint Lawrence, or on the coast of Labrador; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, it shall and may be lawful to import, bring in, in British-built vessels, navigated according to law, and subject to the rules prescribed in an act of the tenth and eleventh years of the reign of his late majesty King William the Third, (intituled, *an act to encourage the trade to Newfoundland,*) and to land in *Great Britain*, all cod fish, ling, and hake, caught and cured in

After passing
this act, all
cod fish, ling
and hake,
caught in
Chaleur Bay,
&c. may be
imported,
subject to the
rules in act 10
& 11 Wil. 3.

Chaleur

Chaleur Bay, or any other part of the gulph of *Saint Lawrence*, or on the coast of *Labrador*, so as oath be first made before the landing thereof, by the owner or proprietor of such fish, or the master of the vessel bringing the same, before the officer for the duties on salt, in the port or place where such fish shall be imported or brought in, (who is hereby required to administer the same without fee or charge,) that all the fish so imported or brought in, came from the gulph of *Saint Lawrence*, or the coast of *Labrador*, and were caught and cured there; and so as the said fish be, at the landing thereof, and before the same be removed from the shore, tendered to the officer of the port or place for the said duties, to have part of the tail of every such cod fish, ling, or hake, cut off, that no allowance for such fish may be obtained upon exportation; and the said officer is hereby impowered and required to cut off part of the tail of all such fish on the landing thereof: and in case any such fish shall be landed or removed from the shore before the same shall be tendered to the officer, to have part of the tail cut, as aforesaid, all the fish so imported and landed shall be forfeited, and double the value thereof, to be recovered of the importer, proprietor, or master of the vessel.

Oath being made by the master of the vessel, that the fish brought in, came from the gulph of *St. Lawrence*, &c.

Penalty on removing fish from the shore before tendered to the officer.

II. And whereas, in the curing of cod fish, ling, and hake, considerable quantities of salt are necessarily thrown over them, when shipped, to preserve them from spoiling, and a great part thereof falls off in unloading the vessel, and it hath been too common a practice for the owner or master of the vessel, and people belonging thereto, to collect such loose and foul salt together, and clandestinely convey it on shore, and sell it at an under price, whereby his Majesty's revenue has been considerably injured; be it therefore enacted, That from and after the passing of this act, the master of every vessel laden with cod fish, ling, or hake, either coming from *Newfoundland*, the *North Seas*, or *Iceland*, or the gulph of *Saint Lawrence*, or the coast of *Labrador*, into any port or place in *Great Britain*, shall, and is hereby required to throw, or cause to be thrown, overboard, and destroyed, all the salt that shall so fall off, or be in the vessel, at the time of the unloading or landing of all or any part of her cargo, in the presence of an officer for the duties on salt; and if the master of such vessel shall neglect or refuse so to do, it shall and may be lawful to and for the salt officer on board, by himself, or with such assistance as may be necessary, to throw all and every part thereof overboard, or otherwise destroy the same, and the master, for such neglect or refusal, shall forfeit the sum of twenty pounds, and costs; and if any such salt shall be landed or run on shore, the same, and every part thereof, shall be forfeited, and treble the value thereof; and all and every person and persons in whose custody the same shall be found, and all and every person and persons who is, are, or shall be aiding or assisting in the landing or running thereof, shall forfeit the like sum of twenty pounds, and costs; one moiety of all which forfeitures shall be to the use of his Majesty, his heirs and successors, and the other moiety to such officer or officers who shall seize, prosecute, or inform for the same; to be recovered and

The master of every vessel with fish coming from *Newfoundland*, &c. to destroy all the foul salt on board, in the presence of a salt officer,

Penalty on refusal or neglect, 20 l.

Persons in whose custody such salt is found, &c. to forfeit 20 l.

Forfeitures how to be applied.

levied in such manner and form, and with such power of mitigation, as any fine, forfeiture, or penalty, is or may be recovered by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, wherein no essoin, protection, or privilege, wager of law, or more than one imparlance, shall be allowed.

C A P. LXXIII.

An act to continue and amend an act, made in the sixth year of the reign of his present Majesty, intituled, an act for opening and establishing certain ports in the islands of Jamaica and Dominica, for the more free importation and exportation of certain goods and merchandises; for granting certain duties to defray the expences of opening, maintaining, securing, and improving, such ports; for ascertaining the duties to be paid upon the importation of goods from the said island of Dominica into this kingdom; and for securing the duties upon goods imported from the said island into any other British colony; and for allowing timber and wood to be exported from the said island of Dominica into any other of the British islands, colonies, or plantations in America for a limited time.

Preamble.

Act 6 Geo. 3.

WHEREAS *an act, made in the sixth year of the reign of his present Majesty, (intituled, an act for opening and establishing certain ports in the islands of Jamaica and Dominica, for the more free importation and exportation of certain goods and merchandises; for granting certain duties to defray the expences of opening, maintaining, securing, and improving, such ports; for ascertaining the duties to be paid upon the importation of goods from the said island of Dominica into this kingdom; and for securing the duties upon goods imported from the said island into any other British colony,) which was to continue in force until the first day of November, one thousand seven hundred and seventy three, and from thence to the end of the then next session of parliament, hath been found useful and beneficial, and would become more so if it was continued, altered, and amended; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That the said act, and every thing therein contained, (except so much thereof as is by this act altered and amended,) shall be, and the same is hereby further continued until the first day of November, which shall be in the year of our Lord one thousand seven hundred and eighty, and from thence to the end of the then next session of parliament, (except what relates to the said island of Jamaica,) which shall have continuance only until*

further continued till
Nov. 1, 1780.

except what
relates to
Jamaica,

until the first day of *November*, one thousand seven hundred and seventy-four, and from thence to the end of the then next session of parliament.

which shall continue only till Nov. 1, 1774.

II. And be it further enacted by the authority aforesaid, That from and after the first day of *November*, in the present year one thousand seven hundred and seventy-three, any cocoa and coffee, either in or out of the husk, being the growth and produce of the said island of *Dominica*, may be imported into *Great Britain* under certificate, in like manner, and under such securities, regulations, and restrictions, and subject to such penalties and forfeitures, as sugar and rum, the growth and produce of the said island, are allowed by the said act to be imported into *Great Britain*; and that from and after the said first day of *November*, one thousand seven hundred and seventy-three, any coffee in the husk, being of the growth and produce of any other of his Majesty's colonies or plantations in *America*, may be imported into *Great Britain* in *British*-built ships, navigated according to law, from any of the said colonies or plantations.

After Nov. 1, 1773. cocoa and coffee, of the produce of *Dominica*, &c. may be imported under such regulations as sugar and rum from the said island.

III. Provided always, and be it enacted by the authority aforesaid, that a deduction or allowance of one-seventh part shall be made from and upon every one hundred pounds weight of all coffee in the husk, of the growth and produce of the said island of *Dominica*, or of any other *British* colony or plantation in *America*, which shall be from thence imported into *Great Britain*; for which quantity, so deducted as aforesaid, no custom or duty of excise shall be paid by the importer or proprietor thereof.

An allowance of one seventh in the 100lb. weight to be made from all coffee in the husk imported, duty free.

IV. And be it further enacted by the authority aforesaid, That from and after the said first day of *November*, in the present year one thousand seven hundred and seventy-three, the duty of one pound ten shillings, payable by the said act of the sixth year of the reign of his present Majesty, for and upon every negroe imported into the said island of *Dominica*, and upon every negroe exported from the said island of *Jamaica*, shall cease, determine, and be no longer paid or payable; and that, instead and in lieu of the said duties, there shall be raised, levied, collected, and paid, unto his Majesty, his heirs and successors, a duty of two shillings and sixpence for and upon every negroe which shall be imported into the said island of *Dominica*, or which shall be brought into any port, harbour, or river, belonging to the said island, with an intent to be landed, sold, or re-shipped on board any other vessel there, in order to be carried into any other colony or place whatsoever; and also a duty of two shillings and sixpence upon every negroe which shall be exported from the said island of *Jamaica*; which said respective duties shall be deemed and taken to be sterling money of *Great Britain*, and shall be respectively received, raised, levied, collected, paid, and recovered, and shall be applied and disposed of, in such and the same manner, to all intents and purposes, as the duties hereby repealed and taken off are by the said recited act directed to be received, raised, levied, collected, paid and recovered, applied, and disposed of.

Duties payable on the importation and exportation of negroes to and from *Dominica* and *Jamaica*.

Timber of the growth of Dominica may be exported and imported into America, subject to the penalties in Act 12 Car. 2.

until Nov. 1776.

V. *And whereas there are growing in the said island of Dominica, great quantities of timber and wood fit for building sugar mills and other purposes: and whereas those articles are frequently purchased by the inhabitants of the other British islands, colonies, and plantations in America, from foreigners, at a great expence; be it therefore further enacted by the authority aforesaid, That from and after the said first day of November, in the present year one thousand seven hundred and seventy-three, any timber or wood of the growth or produce of the said island of Dominica, may be exported therefrom, and imported into, any other of his Majesty's islands, colonies, or plantations, in America, in any ship or vessel, British-built, not having more than one deck, and navigated according to law, and landed therein, under such securities, regulations, and restrictions, and subject to the same penalties and forfeitures, as are mentioned in an act, made in the twelfth year of King Charles the Second, (intituled, an act for encouraging and increasing of shipping and navigation,) until the first day of November, one thousand seven hundred and seventy-six, and from thence to the end of the then next session of parliament; the said herein first-recited act, or any other act, law, or usage, to the contrary notwithstanding.*

C A P. LXXIV.

An act for the better ascertaining the tonage and burthen of ships and vessels importing and exporting goods into and from this kingdom, or hovering upon the coasts thereof; for amending so much of an act, made in the last session of parliament, for lowering the duty payable upon the importation of oak bark, as relates to the suing for the penalties and forfeitures thereby inflicted in the court of exchequer in Scotland; for appropriating the duty on oak bark, granted by the said act; and for obviating doubts which have arisen with respect to the allowing the drawback upon certain callicoes; and the bounty upon British-made cordage exported to the islands of Madeira, the Canary islands, and the Azores or western islands.

Preamble.

Act 6 Geo. 2.

WHEREAS, by an act of parliament, made in the sixth year of the reign of his late majesty King George the First, intituled, an act for preventing frauds and abuses in the publick revenues of excise, customs, stamp-duties, post-office, and house money, and by several subsequent acts of parliament, a rule is prescribed for admeasuring of ships and vessels importing brandy and other spirits, and hovering upon the coasts of this kingdom with various goods prohibited to be imported here; but no rule being prescribed by law for the admeasuring of ships or vessels exporting spirits from Great Britain into foreign parts, and in various other cases where the tonage and burthen of ships or vessels, trading to and from this kingdom, is necessary to be known and ascertained; and it being expedient

dient that one certain rule for this purpose should be settled and established in all cases, to prevent any disputes that may arise concerning the tonage and burthen of such ships or vessels; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of August, one thousand seven hundred and seventy three, the tonage and burthen of any ship or vessel importing or exporting brandy, or other spirituous liquors, or any other goods whatsoever, into or from this kingdom, or hovering upon the coasts thereof, and where the owner or proprietor, or other person, shall be intitled to any bounty or allowance, according to the tonage of any ship or vessel, and in all other cases whatsoever where the tonage and burthen of any ship or vessel shall be necessary to be ascertained and known by any act or acts of parliament made, or hereafter to be made, concerning the revenues of customs, excise, or salt duty, the rule for admeasuring such ships or vessels shall be as follows; that is to say, the length shall be taken on a streight line along the rabbet of the keel of the ship, from the back of the main stern post to a perpendicular line from the forepart of the main stern under the bowsprit, from which subtracting three-fifths of the breadth, the remainder shall be esteemed the just length of the keel to find the tonage; and the breadth shall be taken from the outside of the outside plank, in the broadest place of the ship, be it either above or below the main whales, exclusive of all manner of doubling planks that may be wrought upon the sides of the ship, then multiplying the length of the keel by the breadth so taken, and that product by half the breadth, and dividing the whole by ninety-four, the quotient shall be deemed the true contents of the tonage; according to which rule the tonage of all such ships and vessels shall be measured and ascertained, any thing in the said recited act of the sixth of King George the First, or any other act or acts of parliament to the contrary notwithstanding.

Rule by which ships are to be measured for ascertaining the tonage.

II. Provided always, and it is hereby further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to make any alteration in the method of admeasuring keels, boats, and other vessels, used in carrying coals, pursuant to an act, made in the sixth and seventh years of the reign of King William the Third, intituled, *an act for the better admeasurement of keels and keel boats in the port of Newcastle, and the members thereto belonging*: provided also, that nothing herein contained shall extend, or be construed to extend, to make any alteration in the method of admeasuring any bus or vessel used in carrying on the white herring fishery, pursuant to the several acts made for the encouragement of the *British* white herring fishery.

Not to alter the method of admeasuring coal vessels;

nor of vessels employed in the white herring fishery.

III. *And whereas doubts have arisen upon the construction of an act, made in the last session of parliament, intituled, an act for encouraging the manufacture of leather, by lowering the duty payable upon*

Act 12 Geo. 3.

Penalties for oak bark seized and condemned in Scotland, may be recovered in the court of exchequer there, as in courts of record at Westminster.

How the duty of 1d per hundred weight upon oak bark imported into this kingdom is to be applied.

upon the importation of oak bark, when the price of such bark shall exceed a certain rate, for a limited time, *whether oak bark, seized and condemned within that part of Great Britain called Scotland, in pursuance of the said recited act, and the penalties and forfeitures thereby inflicted, may be sued for, prosecuted, and recovered, in the court of Exchequer in Scotland; and by reason of such doubts great frauds and abuses may be committed: now, for removing and putting an end to the same; be it enacted by the authority aforesaid, That all such oak bark which shall be seized and condemned within that part of Great Britain called Scotland, in pursuance of the said recited act, and all offences against the same, and all penalties and forfeitures whatsoever thereby inflicted, shall and may be respectively sued for, prosecuted, recovered, and applied, in the court of exchequer in Scotland, by such persons respectively, and in the same manner, as fully and amply, to all intents and purposes, as they might in any of his Majesty's courts of record at Westminster, in like cases happening in that part of Great Britain called England.*

IV. *And whereas the duty of one penny per hundred weight upon oak bark imported into this kingdom, which was granted by the said recited act, is not appropriated by parliament; be it therefore further enacted by the authority aforesaid, That all the monies arising by the said duty on oak bark, which was granted by the said recited act, shall be accounted for by the several officers of his Majesty's customs, who shall collect and receive the same, to that branch of the customs which is called The Old Subsidy, and shall be applied and appropriated to the same uses and purposes as other monies arising by the said branch of customs are applied and appropriated by virtue of any act of parliament now in force.*

Act 6 Geo. 3.

V. *And whereas by an act of parliament, made in the sixth year of the reign of his present Majesty, intituled, An act for repealing certain duties in the British colonies and plantations, granted by several acts of parliament; and also the duties imposed by an act, made in the last session of parliament, upon certain East India goods exported from Great Britain, and for granting other duties instead thereof; and for further encouraging, regulating, and securing, several branches of the trade of this kingdom, and the British dominions in America, it is, amongst other things, enacted, That a drawback or allowance of the duty paid in pursuance of that act shall be repaid, according to the respective rates and values therein expressed, upon the exportation from this kingdom to Africa of certain printed calicoes of the manufacture of Persia, China, or East India, in the said act particularly enumerated: and whereas by another act of parliament, made in the twelfth year of his said Majesty's reign, intituled, An act for granting a drawback of part of the customs upon the exportation of tea to Ireland and the British dominions in America; for altering the drawback upon foreign sugars exported from Great Britain to Ireland; for continuing the bounty on the exportation of British-made cordage; for allowing the importation of rice from the British plantations into the ports*

and act 12 Geo. 3. recited.

of *Bristol, Liverpoole, Lancaster, and Whitehaven*, for immediate exportation to foreign parts; and to empower the chief magistrate of any corporation to administer the oath, and grant the certificate required by law upon the removal of certain goods to *London*, which have been sent into the country for sale, it is, amongst other things, enacted, That no bounty shall be allowed for any cordage which shall be exported, or entered for exportation, to any part of *Asia, Africa, or America, the Isle of Man, or the islands of Faro or Ferro*: and whereas doubts have arisen, whether the islands of *Madeira, and the Azores or western islands, are to be deemed part of Africa, within the intention of these acts*; and there is reason to believe that such calicoes have been, and may be, entered for exportation from this kingdom to the said islands of *Madeira, as well as to the Canary islands, and the Azores or western islands, and afterwards clandestinely landed in the British plantations in America, and that British-made cordage entered for exportation from this kingdom to the said Madeira islands, and the Azores or western islands may be afterwards clandestinely landed in some parts of Asia, Africa, or America, whereby the good purposes intended by the said recited acts may be frustrated*; for remedy whereof, be it enacted by the authority aforesaid, That from and after the first day of *August*, one thousand seven hundred and seventy-three, the drawback granted by the first recited act, made in the sixth year of his Majesty's reign, upon the exportation of the printed calicoes therein mentioned; and the bounty by the last recited act, made in the twelfth year of his Majesty's reign, or by any other act of parliament upon the exportation of *British-made cordage*, shall not be paid or allowed upon the exportation of such goods respectively from this kingdom to the said islands of *Madeira, the Canary islands, the Azores or western islands, or to any or either of them*; any thing in the said recited acts, or any other act, usage, or custom, to the contrary notwithstanding.

VI. And be it further enacted by the authority aforesaid, That if any merchant or other person shall enter any such calicoes or cordage for exportation to foreign parts, other than to the said islands, in order to obtain the drawback or bounty for the same, and such goods shall nevertheless be carried to the said islands, or either of them, and landed there, contrary to the true intent and meaning of this act; that then, and in every such case, the drawback or bounty paid, or to be paid, for the same shall be forfeited, and the exporter of such goods, and the master of the ship or vessel, on board which such goods were laden and exported, and every person concerned or assisting in the exportation or landing thereof, shall forfeit treble the value of such goods, and the ship or vessel on board which such goods were laden and exported, with all her tackle, furniture, and apparel, shall also be forfeited, and shall and may be seized and prosecuted by any officer or officers of the customs in *Great Britain*; and the several penalties and forfeitures herein-before mentioned shall and may be sued for and recovered, in such and the like manner as any forfeiture incurred by any law of the revenue

After August 1, 1773, the drawback and bounty granted by the before recited acts upon certain goods therein mentioned not to be allowed on said goods exported to *Madeira, the Canary islands, &c.* Penalty for entering calicoes and cordage to other foreign parts, and landing them on said islands.

revenue of customs may be sued for and recovered in this kingdom; one moiety of which penalties and forfeitures, after deducting the charges of prosecution, shall be to the use of his Majesty, his heirs and successors, and the other moiety to such officer or officers of the customs as shall sue or prosecute for the same.

After Aug. 1, 1773, the islands of Madeira, &c. to be added to the oath upon debentures for calicoes and cordage exported.

VII. And be it further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and seventy-three, the said islands of *Madeira*, the *Canary* islands, and the *Azores* or western islands, shall be added to, and included in, the oath, upon all debentures for such calicoes and cordage exported, whereon the exporter is to swear that the same are not landed, or intended to be landed, in *Great Britain* or *Ireland*.

C A P. LXXV.

An act for enabling John, Robert, James, and William Adam, to dispose of several houses and buildings in the parishes of Saint Martin in the Fields, and Saint Mary le bon, in the county of Middlesex, and other their effects, by way of chance, in such manner as may be most for the benefit of themselves and creditors.

Preamble.

WHEREAS John, Robert, James, and William Adam, of the parish of Saint Martin in the Fields, in the county of Middlesex, have erected many great and expensive buildings, with commodious wharfs and warehouses, upon a piece of ground formerly called Durham Yard, now called The Adelphi, situate in the said parish of Saint Martin in the Fields, and adjoining to the river Thames; and have, by means of subterraneous streets, pointed out a new and effectual method to keep the access to the houses distinct from the traffick of the wharfs and warehouses, thereby connecting grandeur and magnificence with utility and commerce; and have also erected some great and expensive buildings in Queen Anne Street and Mansfield Street, in the parish of Saint Mary le bon, in the said county of Middlesex, and are possessed of several shares of stock in trade of the Carron Company, and of many valuable statues, pictures, and antiquities: and whereas the said John, Robert, James, and William Adam, have employed great numbers of workmen and artists in erecting the said buildings, wharfs, and warehouses, and have expended great sums of money, and contracted large debts, in bringing the said buildings, wharfs, and warehouses to the degree of perfection in which they now are, and it will yet require a very considerable sum for the completion thereof; and unless some encouragement, under the sanction of parliament, be given, to empower them to dispose of their estates and effects to the best advantage, whereby they may be enabled to continue their useful endeavours, which have for many years past found employment for many thousand workmen and artists in different parts of the kingdom, the debts which they have contracted cannot speedily be discharged, and great numbers of the said workmen and artists will be deprived of employment: in order there-
fore

fore that these useful undertakings may be completed ; may it please your Majesty (at the humble petition of the said *John, Robert, James, and William Adam*) that it may be enacted ; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the said *John, Robert, James and William Adam*, their heirs, executors, administrators, or assigns, and they are hereby authorised and impowered, at any time or times, before the first day of *January*, one thousand seven hundred and seventy-eight, to sell and dispose of the said buildings, wharfs, and warehouses, composing the said *Adelphi*, and of the buildings in *Queen Anne Street*, and *Mansfield Street* aforesaid, and other their estates and effects, specified in the schedule to this act annexed, in such manner as they the said *John, Robert, James and William Adam*, their heirs, executors, administrators, or assigns, shall think proper, without being liable or subject to any penalty or forfeiture imposed by any act or acts of parliament against any sale or sales by way of lottery, or by lots, tickets, numbers, or figures ; and that such sale or sales, so to be made of the said buildings, wharfs, and warehouses, and of the several parts thereof composing the said *Adelphi*, and also of the said buildings in *Queen Anne Street* and *Mansfield Street*, and other their effects, as aforesaid, by the said *John, Robert, James, and William Adam*, their heirs, executors, administrators, or assigns, before the said first day of *January*, one thousand seven hundred and seventy-eight, shall be good and valid, any law or statute to the contrary thereof notwithstanding.

At any time before Jan. 1, 1778, messieurs Adams are impowered to sell their buildings, &c. without being liable for penalties for sale by way of lottery.

II. Provided always, That nothing in this act shall extend, or be construed to extend, to authorise any more than three lotteries for disposing of the said effects. Proviso.

III. Provided also, and be it further enacted by the authority aforesaid, That the sum to be raised by the said *John, Robert, James, and William Adam*, their heirs, executors, administrators, or assigns, by way of lottery tickets or numbers, shall not exceed the sum of two hundred and twenty-four thousand pounds, upon the sale of the whole of the said buildings, wharfs, warehouses, and other the premises and effects mentioned in the schedule hereunto annexed. What sum of money shall be raised.

IV. And be it further enacted by the authority aforesaid, That no ticket in the said lottery shall be sold at a less value than fifty pounds. Tickets not to be less than 50l. each.

V. And be it further enacted by the authority aforesaid, That previous to the drawing of each or any of the said lotteries, a list of the particular prizes in such lottery shall be published in one or more of the *London* daily news-papers, in which list the ground rents affecting each house or building composing the prizes in such lottery shall be particularly specified. List of the prizes and ground rents to be published before the drawing of the lottery.

VI. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a publick act ; and shall be Publick act.

Anno decimo tertio GEORGII III. C. 75. [1773.
be judicially taken notice of as such by all judges, justices, and
other persons whomsoever, without specially pleading the same.

The SCHEDULE above referred to,

CONTAINING

An account of the buildings, wharfs, and warehouse, already completed, or now completing, together with other effects of the said *John, Robert, James, and William Adam*, which are intended to compose a sale or sales by way of lottery.

In the parish of *Saint Mary le Bon*.

- ONE house with a stone front in *Queen Anne Street, Cavendish Square*, facing *Chandois Street*.
One house on the west side of *Mansfield Street*, and the corner of *New Cavendish Street*, in the occupation of lord *Scarsdale*.
One house on the east side of *Mansfield Street*, and the corner of *New Cavendish Street*, fronting lord *Scarsdale's*.

In the *Adelphi*.

- One house on the terrace, being the second west from *Adam Street*, in the occupation of *John Hart Cotton* esquire.
One house on the terrace, being the fifth west from *Adam Street*, in the occupation of messieurs *Adam*.
One house on the terrace, being the seventh west from *Adam Street*.
One house on the terrace, being the eighth west from *Adam Street*.
One house on the terrace, being the ninth west from *Adam Street*.
One house on the terrace, being the tenth west from *Adam Street*.
One house on the terrace, being the eleventh west from *Adam Street*.
One house on the east side of *Adam Street*, next to the terrace, in the occupation of *William Gunthorpe* esquire.
One house on the east side of ditto, being the third from the terrace.
One house on the east side of ditto, facing *John Street*.
One small house on the west side of *Adam Street*, in the occupation of *John Jones*, pastrycook.
One house now used as a tavern on the west side of *Adam Street*, and corner of *John Street*, in the occupation of *William Osborn*.
One house next to ditto, on the north side of *John Street*, in lease to Mr. *Alexander Eddie*.
One house on the north side of *John Street*, adjoining on the west to the house belonging to the society of arts.

One

One house on the north side of ditto, adjoining to ditto.

One house on the north side of ditto, adjoining to ditto.

One house on the north side of ditto, adjoining to ditto.

One house on the north side of ditto, adjoining to ditto.

[The three last-mentioned houses, together with three small houses in *William Street*, are eventually intended to be formed into a chapel.]

One house on the south side of *John Street*, being the second west from *Adam Street*.

One house on the south side of *John Street*, being the third west from *Adam Street*, in the occupation of Mr. *Anthony Zucchi*.

One house on the south side of ditto, being the fourth west from *Adam Street*.

One house on the south side of ditto, being the fifth west from *Adam Street*.

One house on the south side of ditto, being the sixth west from *Adam Street*.

One house on the south side of ditto, being the seventh west from *Adam Street*.

One house on the south side of ditto, being the eighth west from *Adam Street*.

One house on the south side of ditto, being the ninth west from *Adam Street*.

One house on the south side of ditto, being the tenth west from *Adam Street*.

One house on the south side of ditto, and corner of *Robert Street*, being the eleventh west from *Adam Street*, in the occupation of *William Adam*, Esquire.

One house on the west side of *Robert Street* and corner of *John Street*, consisting of five stories, each story being one set of chambers; viz.

First ground story in ditto.

Parlour story in ditto.

One pair of stairs story in ditto.

Two pair of stairs story in ditto.

Attic story in ditto.

One house in *John Street*, consisting of five stories as above, each story being one set of chambers, viz.

First ground story in ditto.

Parlour story in ditto.

One pair of stairs story in ditto.

Two pair of stairs story in ditto.

Attic story in ditto.

One house in *John Street* and corner of *George Street*, *York Buildings*.

One house in *George Street*, adjoining southwards to the above.

One house in *Robert Street*, consisting of five stories, each story being one set of chambers; viz.

First ground story in ditto.

Parlour story in ditto.

One pair of stairs story in ditto.

Two

Two pair of stairs story in ditto.

Attic story in ditto.

One great house on the west side of *Robert Street*, fronting the river.

One house on the east side of *Robert Street*, being the second from the terrace.

One house on the east side of *James Street* and corner of *John Street*.

One house on the east side of *James Street* and corner of *William Street*.

One house on the south side of *William Street*, adjoining on the east side to ditto.

One house on the south side of *William Street*, adjoining to ditto.

One house on the south side of *William Street*, adjoining to ditto.

One house on the south side of *William Street*, adjoining to ditto.

One house on the south side of *William Street*, and corner of *Durham Street*, adjoining to ditto.

One house in the *Strand*, and east corner of *Adam Street*.

One house adjoining to ditto, entering from the *Strand*.

One house adjoining eastward to the last-mentioned house, and corner of *Ivy Lane*, in the occupation of *Kettlewell*, dyer.

One house on the east side of *Adam Street*, being the second from the *Strand*.

One house adjoining to ditto, southward, on the east side of *Adam Street*, being the third from the *Strand*.

One house entering from the *Strand*, being the second westward from *Adam Street*, in the occupation of *Benjamin Hodgson*, leather-seller.

One house adjoining to ditto, westward, being the third from *Adam Street*, in the occupation of *Walter Russell*, cabinet-maker.

One house adjoining to the last-mentioned house, westward, being the fourth from *Adam Street*, in the occupation of Mr. *Townshend*.

One house adjoining to the last-mentioned house, westward, being the fifth from *Adam Street*, in the occupation of messieurs *Edie* and *Dupin*.

One back house, situated behind the houses above-mentioned, to be in the occupation of *Walter Russell*.

One back house behind the house mentioned, to be in the occupation of *Benjamin Hodgson*.

One wharf, containing one hundred and sixty-two feet in front, being the most westerly, adjoining to *York Buildings*, together with stabling for twenty-five horses, under the west end of *John Street* :

One wharf, containing one hundred and six feet in front, adjoining to ditto, eastward, together with stabling for twenty-five horses, under the west end of *John Street*.

One wharf, containing seventy-five feet and a half in front, adjoining eastward to ditto, with stabling for sixteen horses, under *Adam Street*.

One

One wharf, adjoining eastward to ditto, and bounded eastward by *Ivy-bridge Stairs*, being sixty-eight feet and a half in front, with stabling for sixteen horses, under *Adam Street*.

One large room or warehouse under *Adam Street*, fronting the river.

One small house under the terrace, and over the arcade, opposite to the terrace houses, and fronting the river.

One other ditto, adjoining to ditto.

One other ditto, adjoining to ditto.

One other ditto, adjoining to ditto.

One other ditto, adjoining to ditto.

One other ditto, adjoining to ditto.

One other ditto, adjoining to ditto.

One other ditto, adjoining to ditto.

One other ditto, adjoining to ditto.

One other ditto, adjoining to ditto.

One other ditto, adjoining to ditto.

One large room or warehouse under *Robert Street*, fronting the river.

Ten double warehouses, situated between *Lower Adam Street* and *Lower Robert Street*, entering from the wharfs and arcade; viz.

One warehouse under the arcade, lower story.

One ditto — ditto — upper story.

One ditto — ditto — lower story.

One ditto — ditto — upper story.

One ditto — ditto — lower story.

One ditto — ditto — upper story.

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One ditto — ditto — upper story.

One ditto — ditto — lower story.

One ditto — ditto — upper story.

One small office under the arcade, and entering from ditto.

One ditto — ditto — ditto.

One ditto — ditto — ditto.

One ditto — ditto — ditto.

One ditto — ditto — ditto.

One ditto — ditto — ditto.

One ditto — ditto — ditto.

One ditto — ditto — ditto.

One ditto — ditto — ditto.

One ditto — ditto — ditto.

A large vault, or double warehouse, under the east wing of *Adam Street*, fronting the river, upon the wharfs, lower story.

Ditto upper story.

Eight vaults or warehouses adjoining to ditto, and entering from *Lower Adam Street*; viz.

One vault, being the second from the wharf.

One ditto, being the third from ditto.

One ditto, being the fourth from ditto.

One ditto, being the fifth from ditto.

One ditto, being the sixth from ditto.

One ditto, being the seventh from ditto.

One ditto, being the eighth from ditto.

One ditto, being the ninth from ditto.

A large vault or double warehouse, lying under the great house in the west wing of *Robert Street*, fronting the river, lower story.

Ditto. — upper story.

One vault under the broad part of *Adam Street*.

One ditto. — ditto.

One double vault for coach-house and stable on the north side of the *Mews Street*, situated between *Lower Adam Street* and *Lower Robert Street*.

One — ditto. — ditto.

One — ditto. — ditto.

One — ditto. — ditto.

One — ditto. — ditto.

One — ditto. — ditto.

One — ditto. — ditto.

One — ditto. — ditto.

One — ditto. — ditto.

One — ditto. — ditto.

One double vault for coach-house and stable on the south side of the *Mews Street*, situated as above.

One — ditto. — ditto.

One — ditto. — ditto.

One — ditto. — ditto.

One — ditto. — ditto.

One — ditto. — ditto.

One — ditto. — ditto.

One — ditto. — ditto.

One — ditto. — ditto.

One — ditto. — ditto.

One vault, situated under the hooves on the north side of *John Street*.

One — ditto. — ditto.

One — ditto. — ditto.

One — ditto. — ditto.

One — ditto. — ditto.

One — ditto. — ditto.
 One — ditto. — ditto.
 One — ditto. — ditto.
 One — ditto. — ditto.
 One — ditto. — ditto.
 One — ditto. — ditto.

One vault under the chambers in *Robert Street*.

One — ditto. — ditto.

One small vault under *Lower John Street*.

One — ditto. — ditto.
 One — ditto. — ditto.
 One — ditto. — ditto.
 One — ditto. — ditto.
 One — ditto. — ditto.
 One — ditto. — ditto.
 One — ditto. — ditto.
 One — ditto. — ditto.
 One — ditto. — ditto.

One vault under the chambers at the corner of *John Street* and
Robert Street.

One — ditto. — ditto.

CARRON SHARES; viz.

Two shares in the stock in trade of *Carron Company*, with the
 profits to 30 June 1773.

Two — ditto. — ditto.
 Two — ditto. — ditto.
 Two — ditto. — ditto.
 Two — ditto. — ditto.
 Two — ditto. — ditto.
 Two — ditto. — ditto.
 Two — ditto. — ditto.
 Two — ditto. — ditto.

PICTURES; viz.

Numb.

1. **A** Study of heads, — — *Mola*.
2. A candle light, in the stile of *Salvator Rosa*, *Spanish*.
3. A ditto. — its companion, — *Ditto*.
4. *St. James* fighting the *Turks*, — — *Burgagnone*.
5. The head of *St Peter*, — — *Guido*.
6. A landscape with figures and horses, *M. Angelo Bamboccia*.
7. *Eve* offering to *Adam* the fruit, — — *Carlo Lotti*.
8. The pope's guards gaming, — — *Guericino*.
9. The prince of *Montelibana*, — — *Nogan*.
10. A landscape with hunters, — — *Old Wyke*.
11. A landscape, — — *Tempesta*.

Numb.		
12.	Our Saviour bound in the garden,	<i>Giardino Della Notte.</i>
13.	<i>Mary Magdalen</i> in a landscape,	<i>Teniers.</i>
14.	<i>St. Peter,</i> — its companion, —	<i>Ditto.</i>
15.	<i>St. Francis</i> with an angel, —	<i>H. Carracci.</i>
16.	A landscape, very capital, — —	<i>Tempesta.</i>
17.	A ditto, — ditto, — —	<i>Ditto.</i>
18.	<i>David</i> dancing before the ark, —	<i>Seb. Ricci.</i>
19.	<i>Paul</i> preaching at <i>Athens,</i> — —	<i>Ditto.</i>
20.	<i>Diana</i> and her nymphs and <i>Acteon,</i> —	<i>Mic. Rocche.</i>
21.	A landscape, the figures by <i>N. Poussin,</i> —	<i>G. Poussin.</i>
22.	A conversation, — — —	<i>D. Teniers.</i>
23.	A landscape, — — —	<i>Sal. Rosa.</i>
24.	A dead Christ with <i>Joseph of Arimathea,</i> —	<i>P. Veronese.</i>
25.	<i>Seneca</i> dying in the bath, —	<i>Luc. Jordano.</i>
26.	A landscape with figures, — —	<i>Sal. Rosa.</i>
27.	<i>St. Augustine</i> praying, — —	<i>Lanfrance.</i>
28.	The head of <i>St. Francis,</i> — —	<i>Guido.</i>
29.	<i>St. Catherine,</i> — — —	<i>Ditto.</i>
30.	Game, — — —	<i>John Fyfe.</i>
31.	An adoration of the Magi, —	<i>N. Poussin.</i>
32.	Murder of the innocents, — —	<i>Ditto.</i>
33.	A landscape, — ditto. —	both of <i>Italy.</i>
34.	The entombing of our Saviour, —	<i>Lod. Carracci.</i>
35.	Time trampling on youth and beauty, —	<i>Dominichino.</i>
36.	A landscape, — — —	<i>Vogleson.</i>
37.	A ditto, — — —	<i>Ditto.</i>
38.	<i>Neptune</i> and <i>Amphitrite,</i> — —	<i>Manicoche.</i>
39.	The triumph of <i>Bacchus,</i> — —	<i>Ditto.</i>
40.	Ruins and figures, — —	<i>Gbisolpi.</i>
41.	<i>Sophonisba</i> drinking the poison, — —	<i>Celesti.</i>
42.	Witchcraft with spells and charms, —	<i>Teniers.</i>
43.	Ditto, — its companion, — —	<i>Ditto.</i>
44.	A landscape with shepherds and flocks, —	<i>Fr. Mola.</i>
45.	A conversation, — — —	<i>Bassan.</i>
46.	An old man, — — —	<i>P. Veronese.</i>
47.	A dog, — — —	<i>Ditto.</i>
48.	A landscape with figures, — —	<i>Lucatella.</i>
49.	A ditto, — ditto, — —	<i>Ditto.</i>
50.	<i>Cleopatra</i> with an attendant and servant, —	<i>P. Veronese.</i>
51.	A landscape with figures on marble, —	<i>Van Gowan.</i>

D R A W I N G S.

Numb.		
1.	O UTSIDE of a sepulchral building, —	<i>Clerisseau.</i>
2.	Inside view of an antique temple, —	<i>Ditto.</i>
3.	A landscape, — — —	<i>Marco Ricci.</i>
4.	Portrait of a lady, — —	<i>Rosa Alba.</i>
5.	Ruins of a sepulchral room, — —	<i>Clerisseau.</i>
6.	A landscape, — — —	<i>Marco Ricci.</i>
7.	A head of a lady, — — —	<i>Rosa Alba.</i>
8.	A head in black chalk, — — —	<i>Piazzetta.</i>

9. A

Numb.

9.	A landscape with ruins and figures,	—	<i>Lalman.</i>
10.	Ditto,	—	<i>Ditto.</i>
11.	A sketch of <i>Tivoli</i> , taken on the spot,	—	<i>Ditto.</i>
12.	Ruins and figures,	—	<i>Marco Ricci.</i>
13.	A landscape with ruins,	—	<i>Torregiano.</i>
14.	A drawing of <i>Marcus Aurelius</i> ,	—	<i>Pechoux.</i>
15.	The centaur <i>Borghese</i> ,	—	<i>Ditto.</i>
16.	A view in <i>Rome</i> ,	—	<i>Lalman.</i>
17.	Head of an abbe,	—	<i>Rosa Alba.</i>
18.	Ruins and figures,	—	<i>Panini.</i>
19.	A landscape with ruins and figures,	—	<i>Lalman.</i>
20.	A ditto,	ditto,	<i>Ditto.</i>
21.	A view of the <i>Campo Vaccino</i> ,	—	<i>Ditto.</i>
22.	A view of <i>Tivoli</i> ,	—	<i>Panini.</i>
23.	An aqueduct near <i>Tivoli</i> ,	—	<i>Ditto.</i>
24.	Ruins,	—	<i>Ditto.</i>
25.	Ditto,	—	<i>Ditto.</i>
26.	Ruins of architecture,	—	<i>Marco Ricci.</i>
27.	Ditto.	ditto,	<i>Ditto.</i>
28.	A landscape in the stile of <i>Sal. Rosa</i> .	—	<i>Lalman.</i>

STATUES, and PIECES of ANTIQUITY.

Numb.

1. **A** Pedestal with rams' heads, sphynxes, &c.
2. A circular pedestal with candelabra, &c.
3. A square pedestal with heads of *Jupiter Ammon*, &c.
4. *Regulus* leaving *Rome*.
5. A cinerary urn, with griffins, &c.
6. A vase representing the labours of *Hercules*.
7. A ditto, in form of a cinerary urn, with candelabra, &c.
8. A *Ceres* with a crown of barley and a cup in her hand.
9. A muse with a lute.
10. The muse *Erato*.
11. A large *Flora*.
12. A sideboard of granite.
13. An urn with marine figures.
14. A circular altar or pedestal.
15. Two mosaic tables.
16. A vase with vines twisted round it.
17. An *Esculapius*, with a rod and serpent.
18. Another ditto.
19. A faun, with a pipe.
20. A *Flora* with a crown of flowers.
21. A *Morpheus*, asleep on a lion's skin.
22. The muse *Euterpe* with her mask and flutes.
23. A *Minerva* in armour.
24. An *Apollo* with a bow and arrow.
25. A faun holding a child.

C A P. LXXVI.

An act to indemnify justices of the peace, deputy lieutenants, and officers of the militia, or others, who have omitted to register or deliver in their qualifications within the time limited by law; and for giving further time for those purposes.

Preamble.

WHEREAS divers justices of the peace, deputy lieutenants, and officers of militia, or others, who ought to have registered or delivered in their qualifications, according to an act, made in the

Act 18 Geo. 2. *eighteenth year of the reign of his late majesty King George the Second, intituled, An act to amend and render more effectual an act, passed in the fifth year of his present Majesty's reign, intituled, An act for the further qualification of justices of the peace; or*

Act 2 Geo. 3. *according to another act, made in the second year of the reign of his present Majesty, intituled, An act to explain, amend, and reduce into one act of parliament, the several laws now in being, relating to the raising and training the militia within that part of Great Britain called England; or according to another act, made in*

Act 9 Geo. 3. *the ninth year of his present Majesty, intituled, An act for explaining, amending, and continuing an act, made in the second year of the reign of his present Majesty, intituled, An act to explain, amend, and reduce into one act of parliament, the several laws now in being, relating to the raising and training the militia within that part of Great Britain called England, have, through ignorance of the law, absence, or some unavoidable accident, omitted to register, or deliver in their qualifications as aforesaid, within such time, and in such manner as in and by the said acts respectively, or by any other act of parliament in that behalf made is required, whereby they have incurred, or may be in danger of incurring divers penalties, and disabilities: for quieting the minds of his Majesty's subjects, and for preventing any inconveniences that might otherwise happen by means of such omissions; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every justice or*

All justices, deputy lieutenants, &c. who shall have omitted to register their qualifications, and before Dec. 25, 1773, shall register in manner required, shall be freed from penalties for omission.

justice or justices of the peace, deputy lieutenants, and officers of the militia, or others who, at the time of the passing of this act, shall have omitted to register or deliver in their qualifications, within such time, and in such manner, as in and by the said act, or any of them, or by any other act of parliament in that behalf is required, and who hath or have, or who shall, on or before the twenty-fifth day of December, one thousand seven hundred and seventy-three, register his or their qualification, in manner and form as in and by the said in part recited acts, or any of them, are required, shall be, and are hereby indemnified, freed, and discharged, from and against all penalties, forfeitures, incapacities, and disabilities, incurred, or to be incurred, for or by reason of any neglect or omission, previous to the passing of this act, for not registering his or their qualification, according to the above-

above-mentioned acts, or any of them, or any other act or acts; and such person and persons is and are, and shall be fully and actually recapacitated, and restored to the same state and condition, as he or they were in before such neglect or omission; and shall be deemed and adjudged to have duly qualified him or themselves, according to the above-mentioned acts, and every of them; and that all acts done, or to be done, by any such person or persons, or by authority derived from him or them, are and shall be of the same force and validity, as the same, or any of them, would have been, if such person or persons respectively had registered his or their qualification, according to the direction of the said acts, and every or any of them; any thing in the said in-part recited acts, or any of them, to the contrary in any-wise notwithstanding.

II. Provided always, That this act, or any thing herein contained, shall not extend, or be construed to extend, to indemnify any person against whom final judgement shall have been given in any action of debt, bill, plaint, or information, in any of his Majesty's courts of record, for any penalty incurred, by having neglected to qualify himself within the time limited by law.

Not to extend to indemnify any person against whom final judgement shall have been given.

C A P. LXXVII.

An act for granting to his Majesty a certain sum of money out of the sinking fund; and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and seventy-three; and for further appropriating the supplies granted in this session of parliament; and for paying to John Harrison a further reward for his invention of a time-keeper for ascertaining the longitude at sea, and his discovery of the principles upon which the same was constructed.

Preamble 2,349,806 l. 12 s. 7 d. 3 q. granted out of the fund, for the service of the current year; to be issued by the treasury accordingly. Treasury empowered to raise the said sum, or any part thereof, by loans or exchequer bills, on the credit of the sinking fund.

C A P. LXXVIII.

An act to explain, amend, and reduce into one act of parliament, the statutes now in being, for the amendment and preservation of the publick highways within that part of Great Britain called England, and for other purposes.

WHEREAS the laws now in being for the amendment and preservation of the highways of that part of Great Britain

called England require some explanation and amendment; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from henceforth, upon the twenty-second day of September, in every year, unless that day shall be Sunday, and then on the day following, the constables, headboroughs, tythingmen, churchwardens, surveyor of the highways, and householders, being assessed to any parochial or publick rate of every parish, township, or place, shall assemble together

Preamble.

On Sept. 22, yearly, a list is to be made of at least ten persons, by the constables, &c. at the usual place of publick meetings.

Qualification
of surveyors.

ther at the church or chapel of such parish, township, or place, or if there shall be no church or chapel, then at the usual place of publick meetings for such parish, township, or place, at the hour of eleven in the forenoon : and the major part of them, so assembled, shall make a list of the names of at least ten persons living within such respective parishes, townships, or places, who each of them have an estate in lands, tenements, or hereditaments, lying within such respective parish, township, or place, in their own right, or in the right of their wives, of the value of ten pounds by the year ; or a personal estate of the value of one hundred pounds ; or are occupiers or tenants of houses, lands, tenements, or hereditaments, of the yearly value of thirty pounds : and if there shall not be ten persons having such qualifications as aforesaid, then they shall insert in such list the names of so many of such persons as are so qualified, as above required, together with the names of so many of the most sufficient and able inhabitants of such parish, township, or place, not so qualified, as shall make up the number ten, if so many can be found ; if not, so many as shall be there resident, to serve the office of surveyor of the highways : and the constable, headborough, or tythingman, of such parish, township, or place, shall, within three days after such meeting, transmit a duplicate of such list to one of the justices of the peace within the limit of the county, riding, division, hundred, city, corporation, precinct, or liberty, where such parish, township, or place, shall lie, living in or near the same ; and shall also return and deliver the original list, made and agreed upon at such meeting, to the justices of the peace, at their special sessions to be held for the highways within that limit, in the week next after the *Michaelmas* general quarter

A duplicate
of such lists
shall be trans-
mitted to one
of the justices,
and the origi-
nal list to the
special sessions,
by the con-
stable, &c.

Notices to the
persons con-
tained in the
list.

The justices
are to give 10
days notice
of holding
special sessions
to the con-
stables, &c.
and may ap-
point from
the lists such
number of
surveyors as
they shall
judge fit, if
they shall in
the opinion
of the justices
be qualified
for the office ;
if not, other
inhabitants or
occupiers, &c.

sessions of the peace in every year ; and shall also, within three days after making the said list, give personal notices to, or cause notices in writing to be left at, the places of abode of the several persons contained in such list, informing them of their being so named, to the intent that they may severally appear before the justices at the said special sessions to accept such office, if they shall be appointed thereto, or to shew cause, if they have any, against their being appointed : and the said justices are hereby authorised and required to hold such special sessions at such convenient place or places within their respective limits, as they in their discretion shall judge proper ; and to give notice of the time and place where they intend to hold the same to the constables, headboroughs, or tythingmen, of every such parish, township, or place, at least ten days before the holding of the said session ; and the said justices, then and there, from the said lists, according to their discretion, and the largeness of the parish, township, or place respectively, by warrant under their hands and seals, shall appoint one, two, or more of such persons, as aforesaid, if he or they shall, in the opinion of such justices, be qualified for the office of surveyor, if not, one, two, or more of the other substantial inhabitants or occupiers of lands, tenements, woods, tithes, or hereditaments, within such parish,

parish, township, or place, living within three miles thereof, and within the same county, fit and proper to serve the office of surveyor of the highways for such parish, township, or place, if any such can be found; which appointment shall, by the constables, headboroughs, or tythingmen, aforesaid, be notified to every person so appointed by the said justices, within three days after such appointment, by serving him with the said warrant, or by leaving the same, or a true copy thereof, at his house, or usual place of abode; and every person so appointed, if he accepts the said office, shall be surveyor of the highways for the said parish, township, or place, for the year ensuing, and shall take upon him and duly execute the office aforesaid; and the said justices shall then and there give such of the said surveyors as shall personally appear before them a charge, for the better performance of their duty, according to the directions of this act: and if any of the said persons, so appointed, whose names were contained in such list, and who were served with the said notice, shall refuse or neglect to appear at the said special sessions, and accept the said office, if appointed thereto, in manner aforesaid, or shall not, within six days after being served with such warrant of appointment, signify his acceptance thereof, either in person, or by writing, to one of the said justices, he shall forfeit the sum of five pounds; and in case any person so appointed by the said justices, whose name was not contained in such list, shall refuse or neglect to accept the said office, or shall not, within six days after being served with such appointment, shew to one of the justices signing such appointment, sufficient cause why he should not serve such office, he shall forfeit the sum of fifty shillings: provided that no person who hath been appointed and served the office of surveyor for one year, shall be liable to be appointed surveyor for the same parish, township, or place, within three years from the time of such first appointment and service, unless he shall consent thereto; but if no such list shall be made and returned, or if the said justices shall make such appointment, as aforesaid, and the person or persons so appointed shall refuse to serve the said office, the said justices, or any two of them, shall and may, and are hereby required, at the said special sessions, or at some subsequent special sessions, to be held within one month after, to nominate and appoint some other person or persons to be surveyor of such parish, township, or place, whom they shall judge proper to execute that office, and shall and may fix such salary to be paid to such surveyor, to be appointed as herein last before mentioned, out of the said forfeitures, and all other forfeitures, fines, penalties, assessments, and compositions, to be paid, levied, and raised, under the authority of this act, within such parish, township, or place respectively, as such justices shall think fit, not exceeding one-eighth part of what shall have been raised by an assessment of sixpence in the pound, for the use of the highways, within such parish, township, or place, where any such assessment shall have been raised, and observing the same restriction

which appointment shall be notified to the persons named, by the constables, &c. and the surveyor shall hold his office for one year. Justices to give a charge for the performance of surveyor's duty. Persons appointed from the list refusing to serve shall forfeit 5l.

and those not in the list, on refusal shall forfeit 50s.

No person who hath served one year is to be again appointed for the same place within 3 years after, without his consent.

If no such list be made, or the person appointed refuses to serve, another person may be appointed, at a subsequent special sessions, and a salary fixed,

not exceeding 1-8th part of a 6d. assessment.

Justices may require the constables, &c. to return an account, in writing, of the sum which the assessment of 6d. per pound will raise.

40s. penalty on the constables, &c. not making or returning such lists, or not giving the notices required.

Where the justices, upon such refusal, shall appoint another person they are to appoint one substantial inhabitant for his assistant; and on his refusal to accept that office, he shall forfeit 50s. and the justices may in that case appoint another, who, on refusal, shall also forfeit 50s. and in that case, they may appoint a third person, who shall be intitled to the said forfeitures, and to a further allowance, by way of salary, if the justices shall think it necessary.

tion as near as they can, from the best information they shall be able to get of the probable amount of such an assessment, where none hath been already made; and the said justice shall and may, if they think fit, require the constables, headboroughs, tythingmen, and surveyor, of every such parish, township, and place, or any of them, to return to them, at such time and place as they shall appoint, an account, in writing, of the sum which such assessment of sixpence in the pound hath raised, or will, in his or their opinion, raise, within such parish, township, or place: and if the constables, headboroughs, tythingmen, churchwardens, surveyors of the highway, and such householders as aforesaid, of any parish, township, or place, shall neglect or refuse to make such list as aforesaid; or if the constable, headborough, or tythingman, of any parish, township, or place, shall not return the said list of names when made, and such duplicate thereof, as aforesaid, and give such notice or notices, and serve such warrant or warrants, as in this act is directed; or if the said constable, headborough, tythingman, and surveyor, or any of them, shall neglect to return such account of the amount of such assessment, as aforesaid, when so required as aforesaid; every constable, headborough, tythingman, churchwarden, or surveyor, so neglecting or refusing, in any of the said cases, shall, for every such default respectively, forfeit the sum of forty shillings.

II. And be it further enacted, That in all cases where the said justices, upon neglect or refusal of the person so nominated surveyor as aforesaid to accept the said office, shall appoint any other person for such surveyor with a salary as aforesaid, the said justices shall, and are hereby required to appoint one substantial inhabitant of such parish, township, or place, for assistant to such surveyor in the several matters, and for the several purposes hereafter mentioned, until the next annual appointment of surveyors, according to the directions of this act; and if the person so appointed assistant shall, upon notice of such appointment, refuse to accept that office, he shall forfeit the sum of fifty shillings: and in that case, it shall and may be lawful for such justices to appoint any other substantial inhabitant of such parish, township, or place, for assistant to such surveyor, in manner and for the time aforesaid; and if such second appointed assistant shall decline or refuse to accept the said office, he shall, in like manner, forfeit the sum of fifty shillings; and the said justices shall and may appoint any other person, inhabiting in such parish, township, or place, assistant to such surveyor, who shall be intitled to the said forfeitures herein last before mentioned; and also to some further allowance by way of salary, (to be paid as the surveyor's salary is hereby directed to be paid,) if the said justices shall think any such salary necessary, and shall order the same, which they are hereby authorised to do: provided that no person so appointed assistant for one year shall be liable to be appointed assistant for the same parish, township, or place, within three years next following such first appointment, without his consent.

III. And

III. And be it further enacted, That the surveyor of every parish, township, and place, who shall not reside therein, but shall be appointed with such salary as aforesaid, shall, if required by the churchwarden, overseer of the poor, or any principal inhabitant of the parish, township, or place, for which he shall be so appointed surveyor, at the time of his appointment, or within fourteen days after, give a bond upon paper, without stamp thereupon, to some proper person within such parish, township, or place, to be nominated by the said justices, with sufficient surety, to account for the money which shall come to his hands as surveyor, according to the directions of this act; which bond shall be good and effectual in law.

Bond to be given by the surveyor appointed with a salary,

to account for the money which shall come to his hands.

IV. And be it further enacted, That the assistant, so to be nominated and appointed, shall, and is hereby required to the best of his skill and judgement, to assist the said surveyor, whenever requested by him, in calling in and attending the performance of the statute-duty; in collecting the compositions, fines, penalties, and forfeitures; in making and collecting the assessments; in making out and serving the notices authorized by this act; and in such other matters and things as shall be reasonably required of him by the surveyor, in the execution of his office as surveyor, pursuant to this act: and the said assistant shall justly and truly account with, and pay to, the said surveyor, or to his order, from time to time, according to the directions of this act, all the money which shall come to his hands as assistant, by the means as aforesaid; and, in default thereof, he shall forfeit double the value of the money by him so received, and not so paid and accounted for; and if the said assistant shall wilfully neglect or make default in the performance of any of the duty required from him by this act, he shall forfeit, for every such offence, any sum not exceeding five pounds, nor less than forty shillings, at the discretion of the justice or justices of the limit within which such assistant shall be appointed: and the said surveyor shall, and is hereby required to send orders, in writing, upon the said assistant, for the payment of all sums due to any person or persons, for work or materials, by virtue of this act, which amount to forty shillings or upwards; and the said surveyor shall not be responsible for any sum or sums of money which shall be received by the said assistant, and shall not be actually paid to such surveyor, or to his order, as aforesaid.

Duty of the assistant surveyor.

Forfeitures for neglect of his duty.

Surveyors to send orders upon the assistant for payment of all sums amounting to 40s. or upwards.

V. Provided always, and be it further enacted, That if two parts out of three of those so to be assembled in any such parish, township, or place, for the nomination of surveyors, as aforesaid, shall agree in the choice of any particular person of skill and experience, to serve the said office of surveyor for such parish, township, or place, and in the settling of a certain salary for his trouble therein, and shall return the name of such person, together with the list herein-before directed, to the justices of the peace at their said sessions, to be held in the week next after the Michaelmas quarter sessions; that then, and in every such case, it shall and may be lawful for the said justices, if they shall think

If two parts out of three of those assembled in any parish, &c. shall agree in the choice of a person of skill to serve the office of surveyor, and in settling his salary.

proper,

Justices may appoint such person, and allow him the said salary; and if any surveyor shall die, or become incapable of executing the office, the justices may appoint another person, and allow him the salary. If more surveyors than one shall be appointed, they are all comprehended under the word Surveyor.

No tree, bush, or shrub, allowed to grow or stand within 15 feet of the centre of the highway; on forfeiture of 10s. by the owners.

Hedges and trees adjoining to highways, by whom, and in what manner, to be cut and pruned.

proper, to appoint such person to be surveyor for such parish, township, or place, and allow him the salary mentioned in such agreement, which shall be raised and paid in the same manner as the salary herein-before mentioned is directed to be raised and paid; and in case any surveyor to be appointed under the authority of this act shall die, or become incapable of executing that office, before such next special sessions for appointing surveyors, the said justices, or any two of them, shall and may, at some special sessions, nominate and appoint such person or persons as they shall think proper, to execute the said office, until such next special sessions for appointing surveyors as aforesaid; and if such deceased surveyor had a salary, they may allow the same salary to his successor, in proportion to the time he shall serve the said office; and if the said justices of the peace, at their said special sessions, or at any time afterwards, pursuant to the powers of this act, shall appoint more than one person for surveyor of any parish, township, or place, all and every person or persons so appointed, shall be comprehended under the word *Surveyor* in every part of this act.

VI. And be it further enacted, That no tree, bush, or shrub, shall be permitted to stand, or grow, in any highways, within the distance of fifteen feet from the centre thereof, (except for ornament or shelter to the house, building, or court-yard of the owner thereof,) or hereafter to be planted within the distance aforesaid; but the same shall respectively be cut down, grubbed up, and carried away, by the owner or occupier of the land or soil where the same doth or shall stand or grow, within ten days after notice to him, her, or them, or his, her, or their steward or agent, given by the said surveyors, or any of them, on pain of forfeiting, for every neglect the sum of ten shillings.

VII. And be it further enacted, That the possessors of the land next adjoining to every highway shall cut, prune, and plash their hedges, and also cut down or prune and lop the trees growing in or near such hedges or other fences, (except those trees planted for ornament or shelter, as aforesaid,) in such manner that the highways shall not be prejudiced by the shade thereof respectively, and that the sun and wind may not be excluded from such highway to the damage thereof; and that if such possessor shall not, within ten days after notice given by the surveyor for that purpose, cut, prune, and plash, such hedges, and cut down or prune and lop such trees, in manner aforesaid, it shall and may be lawful for the surveyor, and he is hereby required, to make complaint thereof to some justice of the peace of the limit where such highway shall be, who shall summon the possessor of the said lands to appear before the justices at some special sessions for that limit, to answer to the said complaint; and if it shall appear to the justices, at such special sessions, that such possessor had not complied with the requisites of this act, it shall and may be lawful for the said justices, upon hearing the surveyor and the possessor of such land, or his agent, (or in default of his appearance, upon having due proof of the ser-

service of such summons,) and considering the circumstances of the case, to order such hedges to be cut, plashed, and pruned, and such trees to be cut down, or pruned in such manner, as may best answer the purposes aforesaid; and if the possessor of such lands shall not obey such order, within ten days after it shall have been made, and he shall have had due notice thereof, he shall forfeit the sum of two shillings for every twenty-four feet in length of such hedge which shall be so neglected to be cut and plashed, and the sum of two shillings for every tree which shall be so neglected to be cut down or pruned, and lopped; and the surveyor, in case of such default made by the possessor, shall, and is hereby required to cut, prune, and plash such hedges, and to cut down or prune and lop such trees, in the manner directed by such order; and such possessor shall be charged with, and pay, over and above the said penalties, the charges and expences of doing the same; or, in default thereof, such charges and expences shall be levied, together with the said forfeitures, upon his or her goods and chattels, by warrant from a justice of peace, in such manner as is authorised for forfeitures incurred by virtue of this act.

VIII. And be it further enacted, That ditches, drains, or watercourses, of a sufficient depth and breadth, for the keeping all highways dry, and conveying the water from the same, shall be made, scoured, cleansed, and kept open, and sufficient trunks, tunnels, plats, or bridges, shall be made and laid where any cartways, horseways, or footways, lead out of the said highways into the lands or grounds adjoining thereto, by the occupier or occupiers of such lands or grounds; and every person or persons who shall occupy any lands or grounds adjoining to, or lying near such highway through which the water hath used to pass from the said highway, shall, and is hereby required, from time to time, as often as occasion shall be, to open, cleanse, and scour, the ditches, watercourses, or drains, for such water to pass without obstruction; and that every person making default in any of the matters or things aforesaid, after ten days notice to him, her, or them, given of the same, by the said surveyor, shall, for every such offence, forfeit the sum of ten shillings.

IX. And be it further enacted, That if any person or persons, shall lay, in any highway, any stone, timber, straw, dung, or other matter, or in making, scouring, or cleansing the ditches or watercourses, shall permit the soil or earth, dug out of such ditches, drains, or watercourses, to remain in such highway, in such manner as to obstruct or prejudice the same, for the space of five days after notice thereof given by the surveyor of the highways; every person or persons offending in any of the said cases, shall, for every such offence, forfeit and pay the sum of ten shillings.

X. And be it further enacted, That if any stone or timber, or any hay, straw, stubble, or other matter, for the making of manure, or on any other pretence whatsoever, not tolerated by this act, shall be laid in any highway, within the distance of fifteen

Occupiers of lands shall make sufficient ditches, drains, or watercourses, and lay sufficient trunks, plats, or bridges, where cartways, &c. lead out of highways into such lands;

They shall forfeit, for every offence 10s.

Persons laying stone, timber, straw, &c. in any highway, or soil out of ditches, &c. shall, for every offence, forfeit 10s.

Stone, timber, hay, straw, &c. laid within 15 feet of the centre of the

highway, and not removed in 5 days after notice given, the owner of the adjacent lands may remove and dispose of the same to his own use.

Obstruction in the highways by carriages or implements of husbandry,

makes the offender forfeit 10s.

Surveyors duty, on taking a view of the condition of the highways, &c. within the district, in respect of nuisances, obstructions, &c.

If the offender does not remove such nuisance, &c. after notice,

the surveyor shall do it,

fifteen feet from the centre thereof, and shall not, within five days after notice given by the surveyor, or some person aggrieved thereby, be removed, it shall and may be lawful for the owner or possessor of the lands adjacent, or any other person or persons whomsoever, by order from some justice of peace, to clear the said highways, by removing the said stone, timber, hay, straw, dung, or other matter, and to have, take, and dispose of the same, to his and their own use.

XI. *And, for preventing obstructions in the said highways,* be it enacted, That if any person shall wilfully set, place, or leave, any waggon, cart, or other carriage, or any plough or instrument of husbandry, in any of the said highways, (except only with respect to such waggon, cart, or carriage, during such reasonable time as the same shall be loading or unloading, and standing as near the side of such highway as conveniently may be), so as to interrupt or hinder the free passage of any other carriage, or of his Majesty's subjects; every person so offending shall forfeit the sum of ten shillings for every such offence.

XII. And be it further enacted, That the surveyors of the highways, to be appointed by virtue of this act, shall, at all such times and seasons as they shall judge proper, view all the common highways, trunks, tunnels, plats, hedges, ditches, banks, bridges, cauleways, and pavements, within the parish, township, or place, for which they shall be appointed surveyors; and in case they shall observe any nuisances, incroachments, obstructions, or annoyances, made, committed, or permitted, in, upon, or to the prejudice of them, or any of them, contrary to the directions of this act, they shall, from time to time, as soon as conveniently may be, give, or cause to be given, to any person or persons, doing, committing, or permitting the same, personal notice, or notice in writing, to be left at his, her, or their usual place or places of abode, specifying the particulars wherein such nuisances, defaults, obstructions, or annoyances, consist; and if such nuisances, obstructions, or annoyances, shall not be removed, and the ditches, drains, gutters, and water-courses aforesaid effectually made, scoured, cleaned, and opened, and such trunks, tunnels, plats, and bridges, made and laid, and such hedges properly cut and pruned, within twenty days after such notice of the same respectively given as aforesaid, then the said surveyors shall be, and they are hereby fully authorised and empowered, forthwith to remove such nuisances, obstructions, or annoyances, and open, cleanse, and scour such ditches, gutters, and water-courses, and make or amend such trunks, tunnels, plats, or bridges, and cut and prune such hedges, for the benefit and improvement of the said highways, to the best of their skill and judgement, and according to the true intent and meaning of this act; and the person or persons so neglecting to make, or open and cleanse such ditches, gutters, or watercourses, or to cut or prune such hedges, during the time aforesaid, after such notice given, shall forfeit, for every foot in length which shall be so neglected, the sum of one penny;

penny ; and the said surveyors shall be reimbursed what charges and expences they shall be at in removing such nuisances, obstructions, or annoyances, and making or opening, cleansing and scouring, such ditches, gutters, and watercourses, and in making or amending such trunks, tunnels, plats, or bridges, and in cutting and pruning such hedges respectively, by the person or persons who ought to have done the same, over and above the said forfeiture ; and in case such person or persons shall, upon demand, refuse or neglect to pay the said surveyor his charges and expences occasioned thereby respectively, and also the said forfeiture of one penny *per* foot, then the said surveyor shall apply to any justice of the peace ; and, upon making oath before him of notice being given to the defaulter in manner aforesaid, and of the said work being done by such surveyor, and of the expences attending the same, the said surveyor shall be repaid by such person or persons all such his said charges as shall be allowed to be reasonable by the said justice ; or, in default of payment thereof on demand, the same shall be levied in such manner as the penalties and forfeitures hereby inflicted are directed to be levied.

XIII. Provided nevertheless, That no person or persons shall be compelled, nor any surveyor permitted, by virtue of this act, to cut or prune any hedge at any other time than between the last day of *September* and the last day of *March* ; and that nothing herein contained shall extend, or be construed to oblige any person or persons to fell any timber trees growing in hedges at any time whatsoever, except where the highways shall be ordered to be enlarged, as herein-after mentioned, or to cut down or grub up any oak trees growing within such highway, or in such hedges, except in the months of *April*, *May*, or *June*, or any ash, elm, or other trees, in any other months than in the months of *December*, *January*, *February*, or *March*.

XIV. And be it further enacted, That where the ditches, gutters, or watercourses, which have been usually made, or which are herein-before directed to be made, cleansed, and kept open, shall not be sufficient to carry off the water which shall lie upon and annoy the highways ; that then, and in every such case, it shall and may be lawful for the said surveyors, by the order of any one or more of the said justices, to make new ditches and drains in and through the said lands and grounds adjoining, or lying near to, such highways, or in and through any other lands or grounds, if it shall be necessary, for the more easy and effectually carrying off such water from the said highways, and also to keep such ditches, gutters, or watercourses, scoured, cleansed, and opened ; and the said surveyors, and their workmen, are hereby authorised to go upon the said lands for the purposes aforesaid : provided, that the said surveyors make proper trunks, tunnels, plats, bridges, or arches, over such ditches, gutters, or watercourses, where the same shall be necessary, for the convenient use and enjoyment of the lands or grounds through which the same shall be made, and, from time to time, keep the

and the offender shall pay the charges thereof.

Times of cutting hedges,

and of felling trees, &c. growing in the highways.

Where the old ditches, gutters, or watercourses are insufficient,

new ones may be made.

the same in repair; and do also make satisfaction to the owner or occupiers of such lands which are not waste or common, for the damages which he, she, or they, shall sustain thereby; to be settled and paid in such manner as the damages for getting materials in several or inclosed lands or grounds are hereafter directed to be settled and paid.

Cartways to market towns are to be made 20 feet wide,

and horseways or driftways eight feet wide.

Justices may order narrow roads to be widened,

or diverted and turned.

Surveyors to agree with owners of lands for recompence;

and if they cannot agree,

the same may be assessed by a Jury.

XV. And be it further enacted, That the said surveyors of the highways shall, and they are hereby required to make, support, and maintain, or cause to be made, supported, and maintained, every publick cartway leading to any market town, twenty feet wide at the least; and every publick horseway or driftway, eight feet wide at the least, if the ground between the fences inclosing the same will admit thereof.

XVI. Provided always, and be it further enacted, That where it shall appear, upon the view of any two or more of the said justices of the peace, that the ground or soil of any highway between the fences thereof is not of sufficient breadth, and may be conveniently widened and enlarged, or that the same cannot be conveniently enlarged, and made commodious for travellers, without diverting and turning the same; such justices shall, and they are hereby impowered, within their respective jurisdictions, to order such highways respectively to be widened and enlarged, or diverted and turned, in such manner as they shall think fit, so that the said highways, when enlarged and diverted, shall not exceed thirty feet in breadth; and that neither of the said powers do extend to pull down any house or building, or to take away the ground of any garden, park, paddock, court, or yard; and for the satisfaction of the person or persons, bodies politick or corporate, who are seised or possessed of, or interested in their own right, or in trust for any other person or persons, in the said ground that shall be laid into the said highways respectively, so to be enlarged, or through which such highway, so to be diverted and turned, shall go, the said surveyor, under the direction, and with the approbation of the said justices, shall, and is hereby impowered to make an agreement with him, her, or them, for the recompence to be made for such ground, and for the making such new ditches and fences as shall be necessary, according and in proportion to their several and respective interests therein, and also with any other person or persons, bodies politick or corporate, that may be injured by the enlarging, altering, or diverting such highways respectively, for the satisfaction to be made to him, her, or them respectively, as aforesaid: and if the said surveyor, under the direction, and with the approbation, of the said justices, cannot agree with the said person or persons, bodies politick or corporate, or if he, she, or they, cannot be found, or shall refuse to treat, or take such recompence or satisfaction as shall be offered to them respectively by such surveyor; then the justices of the peace, at any general quarter sessions to be holden for the limit wherein such ground shall lie, upon certificate in writing, signed by the justices making such view as aforesaid, of their proceedings in the pre-

premises, and upon proof of fourteen days notice in writing having been given by the surveyor of such parish, township, or place, to the owner, occupier, or other person or persons, bodies politick or corporate, interested in such ground, or to his, her, or their guardian, trustee, clerk, or agent, signifying an intention to apply to such quarter sessions for the purpose of taking such ground, shall impanel a jury of twelve disinterested men out of the persons returned to serve as jurymen at such quarter sessions; and the said jury shall, upon their oaths, to the best of their judgement, assess the damages to be given, and recompence to be made, to the owners and others interested as aforesaid in the said ground, for their respective interests, as they shall think reasonable, not exceeding forty years purchase for the clear yearly value of the ground so laid out, and likewise such recompence as they shall think reasonable, for the making of new ditches and fences on the side or sides of the said highways that shall be so enlarged or diverted, and also satisfaction to any person or persons, bodies politick or corporate, that may be otherwise injured by the enlarging or diverting the said highways respectively: and, upon payment or tender of the money so to be awarded and assessed to the person or persons, bodies politick or corporate, intitled to receive the same, or leaving it in the hands of the clerk of the peace of such limit, in case such person or persons, bodies politick or corporate, cannot be found, or shall refuse to accept the same, for the use of the owner of, or others interested in, the said ground, the interest of the said person or persons, bodies politick or corporate, in the said ground, shall be for ever divested out of them, and the said ground, after such agreement or verdict as aforesaid, shall be esteemed and taken to be a publick highway, to all intents and purposes whatsoever; saving nevertheless to the owner or owners of such ground all mines, minerals, and fossils, lying under the same, which can or may be got without breaking the surface of the said highway; and also all timber and wood growing upon such ground, to be fallen and taken by such owner or owners within one month after such order shall have been made, or in default thereof, to be fallen by the said surveyor or surveyors, within the respective month aforesaid, and laid upon the land adjoining, for the benefit of the said owner or owners: and where there shall not appear sufficient money in the hands of the surveyor or surveyors, for the purposes aforesaid, then the said two justices, in case of agreement, or the said court of quarter sessions, after such verdict as aforesaid, shall order an equal assessment to be made, levied, and collected, upon all and every the occupiers of lands, tenements, woods, tithes, and hereditaments, in the respective parishes, townships, or places, where such highways shall lie, and direct the money to be paid to the person or persons, bodies politick or corporate, so interested, in such manner as the said justices, or court of quarter sessions respectively, shall direct and appoint: and the money thereby raised shall be employed and accounted for, according

at the quarter sessions.

On payment of money assessed, ground to be deemed a publick highway.

Where there is not money sufficient, assessments may be raised by order of the justices at their quarter sessions,

to the order and direction of the said justices, or court of quarter sessions respectively, for and towards the purchasing the land to enlarge or divert the said highways, and for the making the said ditches and fences, and also satisfaction for the damages sustained thereby; and the said assessment, if not paid within ten days after demand, shall, by order of the said justices, or court of quarter sessions respectively, be levied by the said surveyor, in the manner herein-after mentioned: provided, that no such assessment to be made in any one year shall exceed the rate of sixpence in the pound of the yearly value of the lands, tenements, woods, tithes, and hereditaments, so assessed.

not exceeding
6d. in the
pound.

Old highway
and soil may
be sold by the
surveyor,

1072. 479.

subject to an-
cient right
of way and
passage.

Mines and
minerals re-
served to the
owners.

Costs of pro-
ceedings by
whom pay-
able.

XVII. And be it further enacted, That when any such new highways shall be made as aforesaid, the old highway shall be stopped up, and the land and soil thereof shall be sold by the said surveyor, with the approbation of the said justices, to some person or persons whose lands adjoin thereto, if he, she, or they, shall be willing to purchase the same, if not, to some other person or persons, for the full value thereof: but if such old road shall lead to any lands, house, or place, which cannot in the opinion of such justices respectively be accommodated with a convenient way and passage from such new highway, which they are hereby authorised to order and lay out, if they find it necessary; then, and in such case, the said old highway shall only be sold subject to the right of way and passage to such lands, house, or place respectively, according to the ancient usage in that respect; and the money arising from such sale, in either of the said cases, shall be applied towards the purchase of the land where such new highway shall be made: and upon payment or tender of the money so to be agreed for as aforesaid, and upon a certificate being signed by the said two justices, or by the chairman of the said court of quarter-sessions, in case the same shall be determined there, describing the lands so sold, and expressing the sum so agreed for, and directing to whom the same shall be paid; and upon the purchaser's taking a receipt for such purchase-money from the person intitled to receive the same, by an indorsement on the back of such certificate, the soil of such old highway shall become vested in such purchaser and his heirs; but all mines, minerals, and fossils, lying under the same, shall continue to be the property of the person or persons who would from time to time have been intitled to the same, if such old highway had continued there.

XVIII. And be it further enacted, That in case such jury shall give in and deliver a verdict for more monies, as a recompence for the right, interest, or property, of any person or persons, bodies politick or corporate, in such lands or grounds, or for the making such fence, or for such damage or injury to be sustained by him, her, or them respectively, as aforesaid, than what shall have been proposed and offered by the said surveyor, before such application to the said court of quarter-sessions, as aforesaid; that then, and in such case, the costs and expences attending the said several proceedings shall be borne and paid by the

the surveyor of the said highway, out of the monies in his or their hands, or to be assessed and levied by virtue and under the powers of this act; but if such jury shall give and deliver a verdict for no more, or for less monies than shall have been so offered and proposed by the said surveyor, before such application to the said court of quarter sessions; that then the said costs and expences shall be borne and paid by the person or persons, bodies politick or corporate, who shall have refused to accept the recompence and satisfaction so offered to him, her, or them, as aforesaid.

XIX. And be it further enacted, That when it shall appear, upon the view of any two or more of the said justices of the peace, that any publick highway, not in the situation hereinbefore described, or publick bridle-way, or foot-way, may be diverted, so as to make the same nearer or more commodious to the publick, and the owner or owners of the lands and grounds through which such new high-way, bridle-way, or foot-way, is proposed to be made, shall consent thereto, by writing under his or their hand and seal, or hands and seals, it shall and may be lawful, by order of such justices, at some special sessions, to divert and turn, and to stop up such foot-way, and to divert, turn, and stop up, and inclose, sell, and dispose of such old highway or bridle-way, and to purchase the ground and soil for such new high-way, bridle-way, or foot-way, by such ways and means, and subject to such exceptions and conditions, in all respects, as herein-before mentioned with regard to highways to be widened or diverted; and where any such highway, bridleway, or footway, herein last before described, shall be so ordered to be stopped up or inclosed, and such new highway, bridleway, or footway, set out and appropriated in lieu thereof, as aforesaid, it shall and may be lawful for any person or persons injured or aggrieved by any such order or proceeding, or by the inclosure of any road or highway, by virtue of any inquisition taken upon any writ of *Ad quod damnum*, to make his or their complaint thereof, by appeal to the justices of the peace at the next general quarter sessions, which shall be holden within the limit where the same shall lie, after such order made or proceeding had, as aforesaid, upon giving ten days notice in writing of such appeal to the surveyor and party interested in such inclosure, if there shall be sufficient time for that purpose; if not, such appeal may be made upon the like notice to the next subsequent quarter sessions of the peace, which courts of quarter sessions are hereby respectively authorised and empowered to hear and finally determine such appeal; and if no such appeal be made, or, being made, such order and proceedings shall be confirmed by the said court, the said inclosures may be made, and the said ways stopped, and the proceedings thereupon shall be binding and conclusive to all persons whomsoever; and the new highway, bridleway, or footway, so to be appropriated and set out, shall be, and for ever after continue, a publick highway, bridleway, or footway, to all intents and purpo-

Highways, bridleways, and footways, may be turned by the justices at their special sessions, with the consent of the owners of the lands, if they are nearer or more convenient to the publick; and the old ones may be stopped up and inclosed.

Appeal may be made to the quarter sessions to proceedings by writ of *Ad quod damnum*; or otherwise.

No such inclosures to be made until the new highways, &c. shall be completed, and certificate thereof returned to the clerk of the peace.

Concerning those which have been turned above 12 months and no prosecution commenced.

ses whatsoever; but no inclosures of such old highways or bridleway, or stoppage of such footway, shall be made, until such new highways, bridleway, or footway, shall be completed, and put into good condition and repair, and so certified by two justices of the peace, upon view thereof; which certificate shall be returned to the clerk of the peace, and by him inrolled amongst the records of the said court of quarter sessions; but from and after such certificate, such old highways, bridleway, or footway, shall and may be stopped up, and the soil of such old highways or bridleway sold, in the manner, and subject to the reservations and restrictions herein-before mentioned with respect to highways to be enlarged or diverted by virtue of this act: and where any highway, bridleway, or footway, hath been diverted and turned above twelve months, either from necessity, where the same have been destroyed by floods, or slips of the ground on which they were made, or from other causes and motives, if new highways, bridleways, or footways, have been made in lieu thereof, nearer or more commodious to the publick, and the same have been acquiesced in, and no suit or prosecution hath been commenced for the diverting or turning the same, every new highway, bridleway, or footway, set out and used in the place of that so diverted and turned, shall from henceforth be the public highway, bridleway, or footway, to all intents and purposes whatsoever; and all persons liable to the repair of any such old highways, bridleway, or footway, so diverted and turned, or to be diverted and turned, as aforesaid, shall, in the same manner, be and continue liable to the repair of such new highways, bridleway, or footway, except where any agreement shall have been made relative to such repairs, between the parties interested therein, which hath laid the burthen thereof, or of any part thereof, upon any other person or persons in which case the same shall be observed.

In what cases, and in what manner, and upon what terms, the old highways, or the lands lying between the fences inclosing the same, shall be disposed of.

XX. Provided nevertheless, and be it further enacted, That no common land, lying between the fences of any old highway to be stopped up or inclosed by virtue of this act shall be inclosed, and where the land lying between the fences of such highway, not being common land, shall, upon a medium, exceed thirty feet in breadth, and not extend to fifty feet in breadth, the same shall not be stopped up or inclosed, until satisfaction shall be made to the owner of such land, for so much thereof as shall exceed the said breadth of thirty feet; and if the parties cannot agree in the satisfaction so to be made, the same shall be adjusted by the said justices, or the jury, if a jury shall be impanelled; and if the land between the fences inclosing such highways, not being common land, shall exceed fifty feet in breadth upon a medium, or if the said old road, so to be diverted or turned shall lie through the open field or ground belonging to any particular person or persons, such person or persons, and also the person or persons intitled to the land between the fences on the side of such highway, shall respectively hold and enjoy the land and soil of such old highway, and pay to the surveyor, for the use of the highways,

ways, so much money as shall be agreed upon between the parties; or if they cannot agree, so much as shall be deemed and adjudged by the said justices, or jury, if such jury shall be impanelled, as aforesaid, to be adequate to the purchase of it, estimating such highway at thirty feet in breadth, upon an average.

XXI. And be it further enacted, That where any footway shall be diverted by virtue of this act through the land belonging to the same person who owned the land through which such old footway lay, the same shall be adjudged and deemed an exchange only, and no satisfaction or compensation shall be made, unless the land to be used for such new footway shall be of greater length, and of greater value, than the land used for such old footway; and where the said footway shall not be turned through the lands belonging to the same person, the damage occasioned by such old footway to the lands through which it lay, if the parties interested shall not agree in adjusting the same, shall be adjudged by two indifferent persons, the one to be named by the owner of the land, and the other by the said two justices; and if the persons so to be nominated cannot agree therein, they shall chuse some third person to adjudge the same, whose determination shall be final; and the money at which such damages shall be assessed shall be applied in making satisfaction to the owner or owners of the land through which such new footway shall be made.

When old footways are stopped up, and new ones laid out, in what manner the owners of the lands shall make and receive satisfaction.

XXII. And be it further enacted, That if in any parish, township, or place, where any highway shall be diverted and turned by virtue of this act, it shall appear to the justices who are hereby authorised to view or inquire into the same, that there are other highways within such parish, township, or place, besides that so to be diverted and turned, which may, without inconvenience to the publick, be diverted into such new highway hereby authorised to be made, or into any other highway or highways within such parish, township, or place, and the charge of repairing such highway or highways may be thereby saved to such parish, township, or place, it shall and may be lawful for such justices to order such highway or highways, which shall appear to them unnecessary, to be stopped up, and the soil thereof sold, in such manner, and subject to such restrictions, and such right of appeal to the party or parties aggrieved thereby, as are herein-before respectively directed and given concerning the highways, to be stopped up or inclosed.

Justices to order unnecessary highways to be stopped up.

XXIII. And be it further enacted, That every surveyor shall and may, from time to time, give information upon oath to the said justices, or any two or more of them, of all such highways, and of all bridges, causeways, or pavements, upon such highways, as are out of repair, and ought to be repaired by any person or persons, bodies politick or corporate, by reason of any grant, tenure, limitation, or appointment, of any charitable gift, or otherwise howsoever; and the said justices shall limit a time for repairing the same, of which notice shall be given by

Justices on information of surveyor, may order highways liable to be repaired by tenure, &c. to be repaired within a limited time;

and if not repaired within that time, may present them.

Justices of assize and of the peace, &c. to make presentments of highways, &c. out of repair.

the said surveyor to the occupier or occupier of the lands or tenements liable to the burthen of such repairs, or to such other person or persons, bodies politick or corporate, as are chargeable with the same; and if such repairs shall not be effectually made within the time so limited, the said justices shall, and are hereby required to present such highways, bridges, causeways, or pavements, so out of repair, together with the person or persons, bodies politick or corporate, liable to repair the same, at the next general quarter sessions of the peace for the limit wherein such highway shall lie, and the justices at such quarter sessions may, if they see just cause, direct the prosecution to be carried on at the general expence of such limit, and to be paid out of the general rates within the same.

XXIV. And be it further enacted, That every justice of assize, justices of the counties palatine of *Chester*, *Lancaster*, and *Durham*, and of the great sessions in *Wales*, shall have authority by this statute, upon his or their own view, and every justice of the peace, either upon his own view, or upon information upon oath to him given by any surveyor of the highways, to make presentment, at their respective assizes or great sessions, or in the open general quarter sessions, of such respective limit of any highway, causeway, or bridge, not well and sufficiently repaired and amended, or of any other default or offence committed and done contrary to the provision and intent of this statute; and that all defects in the repair thereof shall be presented in such jurisdiction where the same do lie, and not elsewhere; and that no such presentment, nor any indictment for any such default or offence, shall be removed by *Certiorari*, or otherwise, out of such jurisdiction, till such indictment or presentment be traversed, and judgement thereupon given, except where the duty or obligation of repairing the said highways, causeways, or bridges, may come in question; and that every such presentment made by any such justice of assize, counties palatine, great sessions, or of the peace, upon his own view, or upon such information having been given to such justice of the peace, upon the oath of such surveyor of the highways, as aforesaid, shall be as good, and of the same force, strength, and effect, in the law, as if the same had been presented and found by the oaths of twelve men; and that for every such default or offence so presented, as aforesaid, the justices of assize, counties palatine, and great sessions, at their respective courts, and the justices of the peace, at their general quarter sessions, shall have authority to assess such fines as to them shall be thought meet: saving to every person and persons that shall be affected by any such presentment, his, her, or their lawful traverse to the same presentment, as well with respect to the fact of non-repair as to the duty or obligation of repairing the said highways, as they might have had upon any indictment of the same, presented and found by a grand jury; and the justices of the peace, at their general quarter sessions, or the major part of them, may, if they see just cause, direct the prosecutions upon such

such presentments as shall be made at the quarter sessions as aforesaid, to be carried on at the general expence of such limit, and to be paid out of the general rates within the same.

XXV. And be it further enacted, That the said justices of the peace, at any special sessions to be held by virtue of this act, may, by writing under their hands and seals, order and appoint those highways, (not being turnpike road), which in their opinion do most want repair within their jurisdiction, to be first amended, and at what time, and in what manner, the same shall be amended; according to which order, if such there be, all and singular the respective surveyors of the said highways are hereby required to proceed within their respective liberties.

Justices may order what highways shall be first repaired.

XXVI. And, for the better convenience of travellers, where several highways meet, be it further enacted, That the said justices, at some special sessions to be held for the purposes of this act, shall issue their precept to the surveyor of the highways for any parish, township, or place, where several highways meet, and there is no proper or sufficient direction post, or stone, already fixed or erected, requiring him forthwith to cause to be erected or fixed, in the most convenient place where such ways meet, a stone or post, with inscriptions thereon, in large legible letters, painted on each side thereof, containing the name or names of the next market town or towns, or other considerable place or places, to which the said highways respectively lead; and also at the several approaches or entrances to such parts of any highways as are subject to deep or dangerous floods, graduated stones or posts, denoting the depth of water in the deepest part of the same, and likewise such direction posts or stones, as the said justices shall judge to be necessary, for the guiding of travellers in the best and safest tract through the said floods or waters; and the said surveyor shall be reimbursed the expences of providing and erecting the same respectively out of the monies which shall be received by him or them, pursuant to the directions of this act; and in case any surveyors shall, by the space of three months after such precept to him directed and delivered, neglect or refuse to cause such stones or posts to be fixed, as aforesaid, every such offender shall forfeit the sum of twenty shillings.

Direction posts where and how to be erected.

XXVII. And, for the better repairing, and keeping in repair, the said highways, and providing of materials for that purpose, be it enacted, That it shall and may be lawful to and for every surveyor, to be appointed as aforesaid, to take and carry away, or cause to be taken and carried away, so much of the rubbish or refuse stones, of any quarry or quarries, lying and being within the parish, township, or place, where he shall be surveyor, (except such as shall have been got by the surveyor of any turnpike road), without the licence of the owner or owners of such quarries, as they shall judge necessary, for the amendment of the said highways, but not to dig or get stone in such quarry without leave of the owner thereof; and also that it shall and may be lawful for every such surveyor, for the use aforesaid, in

Materials where and in what manner to be taken by surveyors;

any waste land or common ground, river, or brook, within the parish, township, or place, for which he shall be surveyor, or within any other parish, township, or place, wherein gravel, sand, chalk, stone, or other materials are respectively likely to be found, (in case sufficient cannot be conveniently had within the parish, township, or place, where the same are to be employed, and sufficient shall be left for the use of the roads in such other parish, township, or place), to search for, dig, get, and carry away the same, so that the said surveyor doth not thereby divert or interrupt the course of such river or brook, or prejudice or damage any building, highway, or ford, nor dig or get the same out of any river or brook within the distance of one hundred feet above or below any bridge, nor within the like distance of any dam or wear; and likewise to gather stones lying upon any lands or grounds within the parish, township, or place, where such highway shall be, for such service and purpose, and to take and carry away so much of the said materials as by the discretion of the said surveyor shall be thought necessary to be employed in the amendment of the said highways, without making any satisfaction for the said materials, but satisfaction shall be made for all damages done to the lands or grounds of any person or persons, by carrying away the same, in the manner herein-after directed for getting and carrying materials in inclosed lands or grounds; but no such stones shall be gathered without the consent of the occupier of such lands or grounds, or a licence from a justice of peace for that purpose, after having summoned such occupier to come before him, and heard his reasons, if he shall appear and give any, for refusing his consent.

without making satisfaction; but satisfaction to be made for damages done by carrying them away.

Not to extend to stones thrown up by the sea called Beach.

If sufficient materials can not be found in waste lands, &c.

the surveyor may take them from several or inclosed lands or grounds,

XXVIII. *Provided always*, and be it further enacted by the authority aforesaid, That nothing in this act contained, relative to the gathering or getting of stones, shall extend to any quantity of land, (being private property), covered with stones thrown up by the sea, commonly called *Beach*.

XXIX. And be it further enacted, That it shall and may be lawful for every such surveyor, for the use aforesaid, to search for, dig, and get sand, gravel, chalk, stone, or other materials, if sufficient cannot conveniently be had within such waste lands, common grounds, rivers, or brooks, in and through any of the several or inclosed lands or grounds of any person or persons whomsoever, within the parish, township, or place, where the same shall be wanted, or by licence from two justices of the peace, at a special sessions within any other parish, township, or place, adjoining or lying near to the highway for which such materials shall be required, if it shall appear to such justices that sufficient materials cannot be conveniently had in the parish, township, or place, where such highways lie, or in the waste lands, or common grounds, rivers, or brooks, of such adjacent parish, township, or place, and that a sufficient quantity of materials will be left for the use of the parish, township, or place, where the same shall be, (such lands or grounds not being a garden,

garden, yard, avenue to a house, lawn, park, paddock, or inclosed plantation), and to take and carry away so much of the said materials as by the discretion of the said surveyor shall be thought necessary to be employed in the amendment of the said highways; the said surveyor making such satisfaction for the damage to be done to such lands or grounds by the getting and carrying away the same, as shall be agreed upon between him and the owner, occupier, or other person interested in such lands or ground respectively, in the presence and with the approbation of two or more substantial inhabitants of such parish, township, or place; and in case they cannot agree, then such satisfaction and recompence shall be settled and ascertained by order of one or more justice or justices of the peace of the limit where such land or ground shall lie: and in such places, where, from the want of other materials, burnt clay may be substituted in the place thereof, it shall and may be lawful for the surveyor to dig clay in such places as he is hereby authorised to dig chalk or gravel, and to dry the same upon the lands adjoining, and to burn the same upon any waste lands or common grounds, and to carry such clay in such manner as other materials are allowed to be carried by this act, upon making such satisfaction for the damages within the several inclosed lands or grounds where such clay shall be placed or carried, as herein directed with regard to other materials: provided, that when the owner of any such inclosed lands shall have occasion for any such materials lying within the same, for the repair of any highway, or other roads or ways upon his estate, or which he shall be under obligation to repair, and shall give notice to such surveyor that he apprehends there will not be sufficient for those purposes, and also for the use of the publick highways; then, and in every such case, the surveyor shall not be permitted to dig or to take such materials without the consent of such owner, or an order of two justices of the peace, after having summoned and heard the said owner or occupier, or his steward or agent; which justices are hereby authorised to inquire into the nature and circumstances of the case, and to permit or restrain such power, in such manner, and under such directions, as to them shall seem just.

making satisfaction to the owners.

In what manner satisfaction is to be settled.

Clay may be got and burnt into materials for repairing the highways.

XXX. And whereas in some parishes, townships, or places, there may not be sufficient materials for the repair of the highways within the same, nor within the waste lands, common grounds, rivers, or brooks, of any other parish, township, or place, lying within a convenient distance from such highway, by reason whereof the surveyor of such highway may be forced to buy such materials, and to make recompence and satisfaction to the owner or occupier of inclosed lands for damage which may be done by getting and carrying thereof: and whereas no provision is made for raising a fund to reimburse the expences thereof, and also such expences as the said surveyors may incur, by erecting guide-posts, or other posts or stones, and by making or repairing such trunks, tunnels, plats, bridges, or arches, as aforesaid, and by rendering satisfaction for damages done to lands by the making of

Expences incurred for buying materials, making satisfaction for damages, &c.

of new ditches or drains, nor for the salary to be paid by such parish, township, or place, to such surveyor as aforesaid; be it therefore enacted, That upon application by such surveyor to the justices of the peace, at their special sessions, and oath made of the sum or sums of money which he hath bona fide laid out and expended, or which will be required for the purposes aforesaid, the said justices, or any two or more of them, shall, and they are hereby impowered, by warrant under their hands and seals, to cause an equal assessment to be made for the purposes aforesaid, upon all occupiers of lands, tenements, woods, tithes, and hereditaments, within such parish, township, or place, where such money shall be so expended or laid out; and the same shall be made and collected by such person or persons, and allowed in such manner, as the said justices, by their order at such sessions, shall direct and appoint in that behalf; and the money thereby raised shall be employed and accounted for, according to the direction of the said justices, for the purposes aforesaid; and the said assessment shall be levied in such manner as herein-after mentioned: provided nevertheless, That no such assessment to be made for those or any of those purposes, in any one year, shall exceed the rate of sixpence in the pound, of the yearly value of the lands, tenements, woods, tithes, and hereditaments, so to be assessed.

on application to justices, at special sessions, may be raised by an assessment,

not exceeding 6d. in the pound.

If pits or holes are made in getting materials, the surveyor shall cause them to be filled up or fenced off,

or forfeit 10s. for every neglect;

XXXI. And be it further enacted, That if any surveyor, or person employed by him, shall, by reason of the searching for, digging, or getting any gravel, sand, stones, chalk, clay, or other materials for repairing any highways, make, or cause to be made, any pit or hole in any such lands or grounds, rivers or brooks, as aforesaid, wherein such materials shall be found, such surveyor, person or persons, shall forthwith cause the same to be sufficiently fenced off, and such fence supported and repaired, during such time as the said pit or hole shall continue open, and shall, within three days after such pit or hole shall be opened or made where no gravel, stones, or materials, shall be found, cause the same to be forthwith filled up, levelled, and covered with the turf or clod which was dug out of the same; and where any such materials shall be found, within fourteen days after having dug up sufficient materials in such pit or hole, cause the same to be filled up, sloped down, or fenced off, and so continued; and every surveyor shall, within twenty days after he shall be appointed to that office, cause all the said pits and holes which shall then be open, and not likely to be further useful, to be filled up or sloped down, in manner aforesaid; and if they are likely to be further useful, he shall secure the same by posts and rails, or other fences, to prevent accidents to persons or cattle; and in case such surveyor, person or persons, shall neglect to fill up, slope down, or fence off, such pit or hole, in manner and within the time aforesaid, he or they shall forfeit the sum of ten shillings for every such default; and in case such surveyor, person or persons, shall neglect to fence off such pit or hole, or to slope down the same, as herein-before directed,

ed, for the space of six days after he or they shall have received notice for either of those purposes from any justice of the peace, or from the owner or occupier of such several ground, river, or brook, or any person having right of common within such common or waste lands, as aforesaid, and such neglect and notice shall be proved upon oath before one or more of the said justices of the peace, such surveyor, person or persons, shall forfeit and pay any sum not exceeding ten pounds, nor less than forty shillings, for every such neglect; to be determined and adjudged by such justice or justices, and to be laid out and applied in the fencing off, filling up, or sloping down, such pit or hole, and toward the repair of the roads in the parish, township, or place, where the offence shall be committed, in such manner as the said justice or justices shall direct and appoint; which forfeiture, in case the same be not forthwith paid, shall be levied as other forfeitures are herein-after directed to be levied.

and for every neglect after notice given,

a sum not exceeding 10l. nor less than 40s.

XXXII. Provided always, and be it further enacted, That no stone, gravel, or materials, to be dug for the use of any other parish, township, or place, than that wherein the same are found, shall be removed or carried from the place where they shall be so dug at any other time than between the first day of *April* and the first day of *November*, or in the time of hard frost in the winter season.

Materials dug for the use of any other parish to be removed in summer or hard frost.

XXXIII. And be it further enacted, That if any person shall dig, or cause to be dug, materials for the highways, contrary to the direction of this act, whereby any bridge, mill, building, dam, highway, ford, mines, or tin-works, may be damaged or endangered; every offender therein shall forfeit, for every such offence, any sum not exceeding five pounds, nor less than twenty shillings, at the discretion of the court of justices before whom complaint thereof shall be made.

Persons damaging mills, buildings, dams, &c. by digging materials, forfeit not exceeding 5l. nor less than 20s.

XXXIV. And be it further enacted, That the said surveyor, to be appointed as aforesaid, together with the inhabitants and occupiers of lands, tenements, woods, tithes, and hereditaments, within each parish, township, or place, shall, at proper seasons in every year, use their endeavours for the repair of the highways, and shall be chargeable thereunto, as followeth; that is to say, every person keeping a waggon, cart, wain, plough, or tumbrel, and three or more horses or beasts of draught used to draw the same, shall be deemed to keep a team, draught, or plough, and be liable to perform statute-duty, with the same, in the parish, township, or place, where he resides, and shall, six days in every year, (if so many days shall be found necessary,) to be computed from *Michaelmas* to *Michaelmas*, send on every day, and at every place, to be appointed by the surveyor for the amending the highways in such parish, township, or place, one wain, cart, or carriage, furnished after the custom of the country, with oxen, horses, or other cattle, and all other necessities fit to carry things for that purpose, and also two able men with such wain, cart, or carriage; which duty so performed shall excuse every such person from his duty in such parish, township,

Statute-duty,

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in respect of keeping a team or occupying lands, &c.

or

or place, in respect of all lands, tenements, woods, tithes, or hereditaments, not exceeding the annual value of fifty pounds, which he shall occupy therein : and every person keeping such team, draught, or plough, and occupying in the same parish, township, or place, lands, tenements, woods, tithes, or hereditaments, of the yearly value of fifty pounds, over and beyond the said yearly value of fifty pounds, in respect whereof such team-duty shall be performed, and every such person occupying lands, tenements, woods, tithes, or hereditaments, of the yearly value of fifty pounds, in any other parish, township, or place, besides that wherein he resides, and every other person not keeping a team, draught, or plough, but occupying lands, tenements, woods, tithes, or hereditaments, of the yearly value of fifty pounds, in any parish, township, or place, shall, in like manner respectively, and for the same number of days, find and send one wain, cart, or carriage, furnished with not less than three horses, or four oxen and one horse, or two oxen and two horses, and two able men to each wain, cart, or carriage ; and, in like manner, for every fifty pounds *per annum* respectively which every such person shall further occupy, in any such parish, township, or place respectively, such wains, carts, or carriages, to be employed by the surveyor in the repairing and amending the highways within the parish, township, or place, where such lands, tenements, woods, tithes, or hereditaments, shall respectively lie ; and every person who shall not keep a team, draught, or plough, but shall occupy lands, tenements, woods, tithes, or hereditaments, under the yearly value of fifty pounds, in the parish, township, or place, where he resides, or in any other parish, township, or place, and every person keeping a team, draught, or plough, and occupying lands, tenements, woods, tithes, or hereditaments, under the yearly value of fifty pounds, in any other parish, township, or place, than that wherein he resides, shall respectively contribute to the repair of the highways, and pay to the surveyor of such parish, township, or place respectively, in lieu of such duty, the sums following ; *videlicet*, for every twenty shillings of the annual value of such lands, tenements, woods, tithes, or hereditaments, respectively, the sum of one penny for every day's statute-duty which shall be required and called for by the surveyor of such parish, township, or place respectively, in every year, not exceeding six days duty in the whole, as aforesaid ; and every such person respectively shall, in like manner, pay the sum of one penny for every twenty shillings of the annual value of the lands, tenements, woods, tithes, and hereditaments, which he shall occupy in any such parish, township, or place respectively, above the annual value of fifty pounds, and less than one hundred pounds, and so for every twenty shillings that each progressive and intermediate annual value of twenty shillings, of the lands, tenements, woods, tithes, and hereditaments, which he shall so occupy, shall fall short of the further increase of fifty pounds, in every parish, township, or place, where such lands, tenements, woods,

Contribution
in money.

woods, tithes, and hereditaments, shall respectively lie, for every day's statute-duty so to be required as aforesaid; which said several sums shall be considered as compositions, and shall be paid to the surveyor of the parish, township, or place, in which they are charged, for the use of the highways therein, at the time such compositions are to be paid under the authority of this act, or within ten days after; or, in default of such payments, such money shall be levied by distress and sale of the goods and chattels of the person or persons refusing to pay the same, in such manner as the forfeitures for the neglect in performing the statute-duty are hereby authorised to be levied and raised: provided, that no person keeping such team, draught, or plough, and performing duty with the same, as aforesaid, in the parish, township, or place, where he resides, and not occupying lands, tenements, woods, tithes, or hereditaments, within the same, of the yearly value of thirty pounds, shall be obliged to send more than one labourer with such team, draught, or plough.

How these contributions in money are to be recovered.

XXXV. And be it further enacted, That every person who shall not keep a team, draught, or plough, but shall keep one or more cart or carts, and one or two horses or beasts of draught only, used to draw in each of such carts upon the highways, shall be obliged to perform his statute-duty for the like number of days with such cart or carts, and horse or horses, or beasts of draught, and one labourer to attend each cart, or to pay for the lands, tenements, woods, tithes, and hereditaments, which he shall occupy, according to the rate aforesaid, at the option of the surveyor; and every person who shall keep a coach, post-chaise, or chair, or other wheel-carriage, and not keep a team, draught, or plough, nor occupy lands, tenements, woods, tithes, or hereditaments, of the annual value of fifty pounds, in the parish, township, or place, where he shall reside, shall pay to the surveyor one shilling in respect of every such day's statute-duty, for every horse which he shall draw in any such carriage, or shall pay according to the value of the lands, tenements, or hereditaments, which he shall occupy, according to the rate aforesaid, at the option of the surveyor; and also every man inhabiting in any parish, township, or place, and being of the age of eighteen, and under the age of sixty years, not chargeable in any of the respects aforesaid for lands, tenements, woods, tithes, or hereditaments, of the yearly value of four pounds, or upwards, and not being *bona fide* an apprentice or menial servant, not having performed the said duty, or paid the composition for the same, in any other parish, township, or place, for that year, shall, by themselves, or one sufficient labourer for every of them, upon every of the said days on which they shall be called forth by the said surveyor, together with the said other labourers, work and labour in the amendment of the said highways, as they shall be directed by such surveyor; and if the said teams, draughts, or ploughs, or any of them, shall not be thought needful by the surveyor, on any of the said days, then every such person who should have sent any such team, draught, or plough,

The duty required from persons who do not keep a team, but keep one or two horses used to draw,

or who keep a coach, post-chaise, &c.

Personal labour required from inhabitants or those who occupy less than 4l. per annum.

Three men to be sent in lieu of a team, if required,

or 4 s. 6 d. in
money.

During what
hours, and
under what
regulation,
the duty shall
be performed.

The surveyor
may call for
part of a team
where he
thinks it ne-
cessary.

What notice
to be given for
performing
the duty.

plough, according to the directions aforesaid, shall, according to the notice to be given, as herein-after directed, send unto the said work, for every one so spared, three able men, there to labour as aforesaid, or to pay to the said surveyor the sum of four shillings and sixpence in lieu thereof; and all such persons as aforesaid shall respectively have and bring with them such shovels, spades, picks, mattocks, and other tools, and instruments as are useful and proper for the purposes aforesaid; and all the said persons and carriages shall diligently perform the work and labour to which they shall be appointed by such surveyor for eight hours in every of the said days, within such parish, township, or place, or in getting and carrying materials in and from any other parish, township, or place, to be employed in the repair of the highways of the parish, township, or place, for which they shall be required to perform such duty and labour as aforesaid: and if any person sending a team, as aforesaid, shall not send a sufficient labourer besides the driver, (except as herein-before mentioned;) or if any such labourer, or driver, or any other labourer, or the driver of any cart, required by this act to perform statute-duty as aforesaid, shall refuse to work and labour, during the time above mentioned, according to the direction of the surveyor; or if any driver shall refuse to carry proper and sufficient loads; it shall and may be lawful for such surveyor to discharge every such team, cart, or labourer, and to recover from the owner of every such team or cart the forfeiture which every such person or persons would have incurred by virtue of this act, in case no such team, cart, or labourer respectively had been sent.

XXXVI. And be it further enacted, That it shall and may be lawful for the surveyor, where the employment for teams is of such sort that two horses will be sufficient for one cart, or where a stand cart with one horse shall be necessary, to call upon any person liable to send a team, draught, or plough by virtue of this act, who keeps one or more cart or carts, and three or more horses, to send such cart or carts, horse or horses, to perform his statute-duty, as the surveyor shall find most convenient, and shall direct; and the surveyor shall allow every such stand cart and one horse as half a team, and every cart and two horses as two-thirds of a team; and if a waggon shall be found necessary for any particular business, the surveyor may require the duty, or any part thereof, to be performed with such waggon, by any person who keeps one; which directions of the surveyor shall be observed, or the person liable to perform such duty shall forfeit such sum as the duty so required of him shall bear, in proportion to the forfeiture hereby inflicted for every neglect in performing duty with a team, draught, or plough.

XXXVII. And be it further enacted, That every such surveyor shall, from time to time, give to, or cause to be left at the house, or usual place of abode of every person or persons so liable to perform such duty or labour, as in this act directed, four days notice at the least of the day, hour, and place, upon which

which each of the said day's duty shall be required to be performed; and every person or persons making default in sending and sending each wain, cart, or carriage, furnished as aforesaid, and such able men with the same, as herein required, or in performing the said duty at the time and place, and in the manner, by this act directed, shall, for every such default or neglect in sending such wain, cart, or carriage, with such men as aforesaid, forfeit the sum of ten shillings; and for every default in sending every cart with one horse and one man, three shillings; and for not sending every cart with two horses and one man, five shillings: and every person or persons making default in sending any such labourer, and every person making default in performing such labour at the time and place, and in the manner, directed by this act, or in paying such composition-money for the same, as herein mentioned, shall, for every such neglect, forfeit the sum of one shilling and sixpence; all which forfeitures shall be applied for the use of the highways within the parish, township, or place, where the same shall arise; and the said surveyor shall fairly and equally demand and require such duty and labour from every person or persons liable to perform the same according to the directions of this act, without favour or partiality to any person or persons whomsoever: and if in any parish, township, or place, it shall not be necessary to call forth the whole duty in any year, it shall be abated in a just and equal proportion amongst all persons liable to the same; and the said surveyor may and shall, and he is hereby required, with all convenient speed, after default made in performance of such duty or labour as aforesaid, to proceed for the recovery of the penalties or forfeitures hereby inflicted for the same respectively, in manner herein-after directed, so that the same may be recovered before he makes up his accounts in the manner directed by this act.

Forfeitures for every default or neglect.

Application of the forfeitures.

The surveyor to call forth the duty fairly and equally.

XXXVIII. Provided always, and be it further enacted, That any person or persons liable to perform the said duty, by sending one or more team or teams, draught or draughts, plough or ploughs, with men, horses, or oxen, in manner aforesaid, shall and may compound for the same, if he, she, or they, shall think fit, by paying to the said surveyor, at the time, and in the manner, herein-after mentioned, such sum or sums of money as the justices of the peace for the limit wherein such parish, township, or place, shall be, or the major part of them, at their said special sessions, to be held in the first week after *Michaelmas* quarter sessions in every year, shall adjudge and declare to be reasonable, not exceeding six shillings, nor less than three shillings, for each team, draught, or plough, for each day; and in default of their adjudging and declaring the same, the sum of four shillings and sixpence for and in lieu of every such day's duty for each team, draught, or plough; and for every cart and one horse or beast of draught, two shillings; and for every cart with two horses or beasts of draught, three shillings, for and in lieu of every day's duty; and every inhabitant liable to perform such duty or

Persons may compound for statute-work.

Compositions fixed.

labour, as aforesaid, and not chargeable in any other respect, as aforesaid, shall and may compound for the same, if he, she, or they, shall think fit, by paying to the surveyor the sum of four-pence for and in lieu of every such day's duty or labour respectively, at the time, and in the manner herein-after directed for the payment of composition-money.

Justices may direct the performance of team duty or labour in any kind in any particular parish, &c. where they find extravagant prices required.

XXXIX. Provided always, and be it further enacted, That if it shall appear to the justices, at their special sessions, to be held in the week next after *Michaelmas* quarter sessions, that from the directions herein-before given for the performing and compounding the statute-duty, there will be difficulty in procuring the necessary carriage, or a sufficient number of labourers for the repair of the highways, in any particular parish, township, or place, within their respective limits, without paying high and extravagant prices for the same, it shall and may be lawful for such justices to order and direct the team-duty hereby required, or so much thereof as they shall think fit, to be performed in kind, within every such parish, township, or place, except in respect of such teams as belong to persons who do not occupy lands, tenements, woods, tithes, or hereditaments, of the annual value of thirty pounds within the same; and also to order the labourers, liable by this act to perform or compound for statute-duty, or such part of them as they shall think fit, to perform six days labour upon such highways in kind, in case so many days duty shall be required, upon being paid for such labour the usual and customary wages given to labourers in such parish, township, or place, deducting thereout the sum of four-pence for each day's duty so performed, being the composition hereby allowed for labourers: provided, that if part of such teams or labourers only are required, it shall be directed by the said order of the justices in some given proportion, as one half, third, or fourth, part thereof; and the surveyor shall, in that case, at a publick vestry for such parish, township, or place, put the names of all the persons liable by this act to send such teams into one hat or box, and the names of all the persons liable to perform such labour into another hat or box, and some inhabitant then present shall draw out such number from each as shall be equal to the proportion so ordered by the said justices, and the persons so drawn shall perform such duty in kind for that year; and that if any such order shall be made or continued in the subsequent year, the same method shall be observed, but the names drawn in the preceding year shall not be put into such hat or box; and in every succeeding year such method and regulation shall be observed by such surveyor, as to render the duty so required to be performed in kind as equal amongst the several persons liable thereto as may be: which order of the said justices, so far as the same shall be extended, shall supersede the said power or liberty of compounding, and shall be binding and effectual, to all intents and purposes whatsoever, and shall continue in force until it shall be discharged or varied by the justices at some subsequent special sessions for the highways within such limit,

limit, to be held in the week next after *Michaelmas* quarter sessions; any thing herein contained to the contrary thereof in any-wise notwithstanding.

XL. Provided always, and be it further enacted, That if Justices may mitigate the composition, where a person maintains his team partly from lands in another parish.

any person or persons who shall keep a team, draught, or plough, and shall not occupy lands, tenements, woods, tithes, or hereditaments, to the value of thirty pounds *per annum*, in the parish, township, or place, where he shall reside, but shall in part maintain his horses and beasts of draught used in such team upon or from lands which he shall occupy in one or more adjacent parish or parishes, it shall and may be lawful for the said justices, at some special sessions, to mitigate and reduce the duty or composition so required to be performed or paid by such person or persons, in such manner, and to such sum, as they shall think just and reasonable.

XLi. Provided also, and be it further enacted, That the said Surveyors to give notice of the time and place for compounding.

surveyor of every parish, township, or place, shall, on some *Sunday* in *November* in every year, cause ten days notice at the least to be given in the church or chapel of such parish, township, or place, and if there be no church or chapel, or no service performed therein, then at the most publick place there, and repeat the like notice in such church, chapel, or place, on the next succeeding *Sunday*, of the time and place when and where the persons permitted under the authority of this act, and inclined to compound for the said duty, in manner aforesaid, may signify to such surveyor their intention to compound; and all and every person or persons signifying the same, who shall then, or within the space of one calendar month afterwards, pay to such surveyor the composition authorised and allowed by this act, shall be discharged from the performance of such duty, How the composition-money shall be paid and employed.

which composition-money shall be employed by the surveyor for the use of the highways; and that no composition shall be permitted, unless the same shall be paid at the day, or within the time aforesaid; but in cases where the occupation of any lands, tenements, woods, tithes, or hereditaments, shall be changed, or any new occupant or inhabitant shall come to reside in such parish, township, or place, after the time appointed for such composition, then the person or persons occupying such lands, tenements, woods, tithes, or hereditaments, or so residing in such parish, township, or place, shall be allowed to compound in manner aforesaid: provided he, she, or they, shall pay the said composition-money to the said surveyor within fourteen days after he, she, or they, shall enter upon such lands, tenements, or hereditaments, or shall come to reside in such parish, township, or place; and every tenant or occupier of any lands, tenements, woods, tithes, or hereditaments, who intends to quit the possession thereof within six calendar months from the time fixed for making such composition, shall and may compound for half the duty hereby required, and the succeeding tenant or occupier shall and may, in that case, compound or perform the duty in kind for the other half thereof; and if the

surveyor shall receive from any person or persons a composition for more duty than shall be required from the other inhabitants and occupiers within the same parish, township, or place, for the same year, he shall repay such extraordinary composition-money to such person or persons, so as to bring the duty to an equality amongst all such inhabitants and occupiers.

Persons keep-
ing a draught
or plough, and
no carriage, to
pay for the
horses or
oxen drawing
them.

XLII. Provided always, and be it further enacted, That in every parish, township, or place, where any person shall keep a draught or plough, and no carriage, he shall pay to the surveyor the sum of one shilling for every horse, or pair of oxen or neat cattle, used in such draught or plough, for every day's statute-duty on the day such duty is required to be performed, or pay according to the rate aforesaid for the lands, tenements, woods, tithes, and hereditaments, which he shall occupy in such parish, township, or place, at the option of the surveyor.

Inhabitants
may fix cer-
tain times
when the sta-
tute-duty shall
not be called
forth.

XLIII. *And, in order to prevent as much as possible any inconvenience to the persons liable to perform statute-duty*, be it enacted, That it shall and may be lawful for the inhabitants of every parish, township or place, at some vestry, or other publick meeting or meetings to be held pursuant to this act, to appoint three months in every year, within which no statute-duty shall be performed; *videlicet*, one month in the spring, to be called *The Seed month*; one month in the summer, for the hay harvest; and one other month in the summer, for the corn harvest: provided, that notice, in writing, be given of the times so appointed to the surveyor of such parish, township, or place respectively, and also to the surveyor of every turnpike road lying within the same, within three days after every such meeting, and fourteen days at least before the beginning of each of such months.

Where the
surveyor re-
ceives compo-
sition-money
due to the
turnpike
roads, he shall
pay it to the
treasurer,

XLIV. *And whereas, by several acts of parliament concerning turnpike roads, a certain part of the duty called Statute-duty is or may be directed to be performed on such roads, and it may happen in some places, that the several persons liable thereto may have compounded for the same*; be it therefore further enacted, That in all such cases, the surveyor of the highways of the parish, township, or place, where such composition shall have been made, shall pay to the treasurer or surveyor of such turnpike roads a certain part of the composition-money so received, to be proportioned according to the number of days duty which such person or persons was or were liable to perform on such turnpike road; which money shall be laid out and expended on such part of the said turnpike road as lies within the parish, township, or place, from which it was received, and not elsewhere; and if such surveyor of the highways shall refuse or neglect to pay to the treasurer or surveyor of such turnpike road such part of the said composition-money so received by him, within twenty days after he shall have received the same, upon demand made by such treasurer or surveyor, the same shall and may be levied upon the goods and chattels of such surveyor, in such manner as penalties and forfeitures are by this act authorized to be levied.

to be laid out
for the use of
the turnpike
road within
the parish, &c.
where it is
collected.

If the duty
and the money

XLV. And be it further enacted, That if upon application of

of the surveyor of the highways for any parish, township, or place, to the justices of the peace for the limit wherein such parish, township, or place, lieth, at their general or quarter sessions of the peace, or at some special sessions for the highways, the said justices shall be fully satisfied, by proof upon oath, that the duty hereby directed to be performed, and the money hereby authorised to be collected and received, has been performed, applied, and expended, according to the directions of this act, or shall be fully satisfied that the common highways, bridges, causeways, streets, or pavements, belonging to such parish, township, or place, are so far out of order that they cannot be sufficiently amended and repaired, paved, cleansed, and supported, by the means herein-before prescribed, (notice being first given of such intended application at the church or chapel of such parish, township, or place, on some *Sunday* preceding such quarter or special sessions, or if the place be extraparochial, notice, in writing, being first given of such intended application to some of the principal inhabitants residing in such extraparochial place, a week at least before such general or special sessions); that then, and in any of the said cases, an equal assessment upon all and every the occupier of lands, tenements, woods, tithes, and hereditaments, within any such parish, township, or place, shall or may be made and collected by such person and persons, and allowed in such manner, as the said justices, by their order, at such general or special sessions, shall direct and appoint in that behalf; and the money thereby raised shall be employed and accounted for, according to the orders and directions of the said justices, for and towards the amending, repairing, paving, cleansing, and supporting, such highways, causeways, streets, pavements, and bridges, from time to time, as need shall require.

before authorised to be raised shall not be sufficient, the justices may order an assessment.

XLVI. Provided nevertheless, That the assessment herein last before authorised, and the assessment herein before authorised, for buying materials, making satisfaction for damages, erecting guide-posts, and paying the surveyors salary, shall not together, in any one year, exceed the rate of nine-pence in the pound of the yearly value of the lands, tenements, woods, tithes, and hereditaments, so to be assessed.

But such assessment, with the other, for buying materials, &c not to exceed 9d. in the pound in any one year.

XLVII. And be it further enacted, That no fine, issue, penalty, or forfeiture, for not repairing the highways, or not appearing to any indictment or presentment for not repairing the same, shall hereafter be returned into the court of exchequer, or other court, but shall be levied by and paid into the hands of such person or persons residing in or near the parish, township or place, where the road shall lie, as the court imposing such fines, issues, penalties, or forfeitures, shall order and direct, to be applied towards the repair and amendment of such highways; and the person or persons so ordered to receive such fine shall, and is hereby required to receive, apply, and account for the same, according to the direction of such court, or in default thereof shall forfeit double the sum received; and if any fine, issue, penalty, or forfeiture, to be imposed on any such parish,

Fines, penalties, and forfeitures, how to be levied and applied.

township, or place, for not repairing the highways, or not appearing as aforesaid, shall hereafter be levied on any one or more of the inhabitants of such parish, township, or place, that then such inhabitant or inhabitants shall and may make his or their complaint to the justices of the peace, at their special sessions; and the said justices are hereby impowered and authorised, by warrant under their hands and seals, to cause a rate to be made, according to the form and manner herein-last before prescribed, for the reimbursing such inhabitant or inhabitants the monies so levied on him or them as aforesaid; which rate so made, and confirmed by any two justices; shall be collected and levied by the surveyor of the highways of such parish, township, or place, so presented or indicted, as aforesaid; and the said surveyor shall, within one month next after the making and confirming the rate aforesaid, collect, levy, and pay unto such inhabitant or inhabitants the money so levied on him or them as aforesaid.

The surveyor's duty is to keep books, and enter the accounts of all money paid and received;

and also of all money remaining due;

also of all tools, materials, &c.

and shall produce his accounts at a vestry meeting.

and afterwards before a justice of peace, who may allow them;

XLVIII. And be it further enacted, That the surveyor of the highways for every parish, township, or place, shall carefully and diligently collect, or cause to be collected, the several assessments, forfeitures, penalties, sums of money, and compositions, directed and allowed to be received and taken within the same by virtue of this act, within the year for which he is appointed surveyor, and shall keep one or more book or books, in which he shall fairly enter a just, true, and fair account of all such money as shall have come to his hands, or to the hands of the said assistant, in respect of such parish, township, or place, by virtue and for the purposes of this act, and to whom, and on what occasion, he shall have paid or applied the same; and shall also enter in such book or books a list or lists of all such sums of money as shall then remain due and owing from any person or persons, in respect of the payments, compositions, assessments, penalties, or forfeitures, to be collected, received, or taken, for and in respect of the said highways, by virtue of this act; and the said surveyor shall also enter in the said book or books an account of all tools, materials, implements, and other things provided, or to be provided, by order of the inhabitants, at a vestry or other publick meeting for the repair of the said highways, at the publick expence of such parish, township, or place; and shall produce such books, and the assessments made within that year for the purposes of this act, unto the inhabitants of the parish, township, or place, to which they belong, at a vestry or other publick meeting to be held for that purpose, within fifteen days before the said special sessions to be held in the week next after *Michaelmas* quarter sessions, as aforesaid, to the intent that the said accounts, assessments, and lists, may be inspected by the inhabitants of such parish, township, or place respectively; and every such surveyor shall, after the said books and assessments shall have been produced at such meeting, take the same to such justice of the peace for the limit wherein such parish, township, or place, doth lie, and on such day,

day, and at such hour, as shall be agreed upon at such meeting, some day after the said meeting of the inhabitants, and before such last-mentioned special sessions, and then and there verify such account, or any part thereof, upon oath, if required; and such justice may allow such account, if he finds it just, or postpone it until such special sessions, if he finds cause for so doing, or they may in which case it may be settled and allowed at such special sessions, ^{be further examined and} after the parts objected to by such justice shall have been explained and verified by proper evidence, to the satisfaction of the justices at such special sessions; and in case any articles contained in such accounts shall not be explained and proved to the satisfaction of such justices, they may disallow the same; and whenever the said accounts shall be so settled and allowed, or disallowed, as aforesaid, all such books and assessments shall be transmitted to the churchwarden or overseer of the poor for such parish, township, or place respectively, or, if the place be extraparochial, then to some principal inhabitant thereof, to be kept for the use of such parish, township, or place; and the said surveyor shall forthwith deliver a duplicate of such book and account, together with all sums of money as shall remain in his hands, and likewise all tools, materials, implements, and other things, as aforesaid, to the succeeding surveyor for such parish, township, or place, in case any new surveyor shall be appointed, or retain the same in his hands, and account for them in his next account, if he shall be continued surveyor for such parish, township, or place, in the succeeding year; and it shall and may be lawful for the succeeding surveyor, and he is hereby authorised and required, to recover, collect, and receive all such sums of money which shall be due and owing as aforesaid, by all such ways and means, as fully and effectually, to all intents and purposes, as the preceding surveyor could, might, or ought to have recovered, collected, or received the same: and in case such surveyor shall neglect to provide such book or books, or to enter such respective accounts and lists therein, or to deliver the said book or books, and such duplicate thereof, and such assessments, tools, materials, implements, and other things, in manner aforesaid, he shall, for every such offence, forfeit any sum not exceeding five pounds, nor less than forty shillings; and in case he shall make default in the paying or accounting for the money so remaining in his hands, within the time, and according to the directions aforesaid, he shall forfeit double the value of the money which shall be adjudged by the said justices to be in his hands; and in case any such surveyor shall die before such respective accounts and lists shall be made out, or such monies, books, assessments, tools, materials, and implements, shall be so delivered and paid, the executors or administrators of such surveyor shall make out, pay, and deliver the same, in like manner, and under the like penalty, as such surveyor is hereby required and made subject and liable to; and every surveyor shall pay to the justices clerks, for the appointment and charge, the sum of one shilling; for the bond fix-

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just. 5D. 4C.
816.

Books, materials, tools, &c. to be delivered to the succeeding surveyor.

New surveyor authorised to collect the arrears, &c.

The surveyor liable to forfeitures for neglect of duty.

If surveyor dies, his executors, &c. shall account in the same manner.

pence;

Fees to be paid
to the justices
clerks.

Surveyor may
contract for
getting and
carrying ma-
terials, at a
publick meet-
ing.

If the surveyor
has a share in
any contract,

or shall let to
hire any team,
or sell or dis-
pose of any
timber, stones,
&c. without
licence from a
justice of
peace, he shall
forfeit 10 l.
and be incap-
able of being
surveyor with
a salary.

Surveyor, for
every neglect
of duty, shall
forfeit 5 l.
when no par-
ticular penalty
is imposed.

Persons en-
feoffed with
lands for the
maintenance
of causeways,
highways, and
bridges, shall
let them to
farm at the
most improv-
ed value.

pence; and for the account so to be examined and taken, and for the oath so to be administered, the sum of one shilling, and no more; and if any person or persons shall receive any greater sum or fee for the business aforesaid than herein-before mention-
ed, he shall forfeit the sum of ten pounds for every offence.

XLIX. And be it further enacted, That in every parish, township, or place, where a sufficient quantity of stone, gravel, chalk, or other materials, cannot be provided and carried by the labourers and teams required by this act to perform statute-duty within such parish, township, or place, the said surveyor shall, and is hereby required to contract for the getting and carrying thereof, (in the presence of the said assistant, if any such shall be appointed), at a meeting to be held for that purpose, of which ten days notice in writing shall be given, by fixing the same upon the door of the church or chapel of such parish, township, or place, or if there be no church or chapel, at the most publick place there; which notice shall specify the work to be done, and the time and place for letting thereof; and if any surveyor shall have any part, share, or interest, directly or indirectly, in any such contract or in any other contract or bargain for work or materials to be made, done, or provided, upon, for, on account of any of the highways, roads, bridges, or other works whatsoever, under his care or management, or shall, upon his own account, directly or indirectly, let to hire any team, or sell or dispose of any timber, stone, or other materials, to be used or employed in making or repairing such roads, bridges, or other works, as aforesaid, (unless a licence in writing, for the sale of any such materials, or to let to hire any such team, be first obtained from some justice of the peace within that limit), he shall forfeit for every such offence, the sum of ten pounds, and be for ever after incapable of being employed as a surveyor with a salary, under the authority of this act.

L. And be it further enacted, That if any surveyor of the highways, after his acceptance of the said office, shall neglect his duty in any thing required of him by this act, for which no particular penalty is imposed, he shall forfeit, for every such offence, any sum not exceeding five pounds, nor less than ten shillings, at the discretion of the justice or justices having jurisdiction therein.

LI. And be it further enacted, That where any lands have been, or shall be given, for the maintenance of causeways, pavements, highways, and bridges, all such persons who are, or shall be enfeoffed or trusted with any such lands, shall let them to farm at the most improved yearly value, without fine; and that the justices of the peace, in their open sessions, shall and may inquire, by such ways and means as they shall think fitting, into the value of all such lands so given, or to be given, and order the improvement and employment of the rents and profits thereof according to the will and direction of the donor of such lands, if they find that the persons so intrusted have been negligent or faulty in the performance or trust, (except such

such lands have been given for the uses aforesaid to any college or hall in either of the universities of this kingdom, which have visitors of their own); any law, statute, usage, or custom, to the contrary notwithstanding.

LII. *And whereas in some places it hath been and may be found necessary, and the surveyors are hereby authorised and required, to secure horse causeways and foot causeways, by posts, blocks, or great stones, fixed in the ground, or by banks of earth cast up, or otherwise, from being broken up and spoiled with waggons, wains, carts, or carriages; and forasmuch as several evil-disposed persons do or may wilfully or wantonly pull up, cut down, and remove or damage the said posts, blocks, and great stones, so fixed, or to be fixed, as aforesaid, and drive carriages upon such banks and causeways, or against the sides thereof, and also dig or cast down the said banks, which are the securities and defence of the said causeways, whereby the causeways or banks are often ruined and destroyed; and such evil-disposed persons do or may break, damage, or throw down the stones, bricks, or wood, fixed upon the parapets or battlements of bridges, and do or may pull down, destroy, obliterate, or deface, any mile stone, or post graduated, or direction post or stone, erected or to be erected upon any highway: for prevention thereof, be it enacted, That every person who shall be guilty of any such offence, shall, upon complaint thereof made to any justice of the peace of the limit where the same shall be proved to be done, by the oath of any one credible witness, or upon view of the justice himself, forfeit for every of the said offences any sum not exceeding five pounds, nor less than ten shillings; and in default of payment thereof, shall be committed to the house of correction of such limit, there to be whipped, and kept to hard labour for any time not exceeding one calendar month, nor less than seven days, at the discretion of such justice.*

Penalty on persons damaging banks, causeways, direction posts, mile stones, battlements of bridges, &c.

LIII. *And be it further enacted, That the justices of the peace of all cities, corporations, boroughs, and other places, are hereby required to put in execution every part of this act within their respective jurisdictions.*

Justices of cities, &c. to put the act into execution.

LIV. *Provided always, and be it further enacted, That nothing in this act contained shall authorise or empower, or be deemed, construed, or taken to authorise and empower, any justice or justices of the peace, for any city, town corporate, or borough, to fix or allow any salary to or for any surveyor to be appointed by any such justice or justices, other than and except such salary as shall be settled and agreed upon by two parts out of three of the persons assembled in the parish, township, or place, within such city, town corporate, or borough, for which such surveyor shall be appointed, pursuant to the directions of this act.*

Justices of cities or boroughs not to allow salaries to surveyors,

except such as shall be agreed upon at the meeting of the householders.

LV. *And whereas the highways not being turnpike roads, are much prejudiced by the narrowness of the wheels of the several carriages travelling thereon, and by the excessive burthens loaded in such carriages; be it enacted, That no waggon, having the sole or bottom of the fellys of the wheels of the breadth of nine inches, shall*

Limitation of the number of horses for the waggons and carts with different wheels.

shall go or be drawn with more than eight horses; and that no cart, having the sole or bottom of the fellies of the wheels thereof of the breadth of nine inches, shall go or be drawn with more than five horses; and that no waggon, having the sole or bottom of the fellies of the wheels of the breadth of six inches, and rolling on each side a surface of nine inches, shall go or be drawn with more than seven horses; and that no such waggon rolling a surface of six inches only, shall go or be drawn with more than six horses; and that no cart, having the sole or bottom of the fellies of the wheels of the breadth of six inches, shall go or be drawn with more than four horses; and that no waggon having the sole or bottom of the fellies of the wheels of less breadth than six inches, shall go or be drawn with more than five horses; and that no cart having the sole or bottom of the fellies of the wheels of less breadth than six inches, shall go or be drawn with more than three horses upon such highways, under the pains, penalties, and forfeitures herein-after mentioned; (that is to say), that the owner of such waggon or cart respectively shall forfeit the sum of five pounds, and the driver not being the owner, the sum of ten shillings, for every horse or beast which shall be so drawing above the number hereby so respectively limited as aforesaid, to the sole use and benefit of the informer; but carriages moving upon wheels or rollers, of the breadth of sixteen inches on each side thereof, with flat surfaces, are hereby allowed to be drawn with any number of horses, or other cattle.

The owner offending for-
feits 5l. and
the driver 10s.
for every
horse above
the number
allowed.

Sixteen inch
rollers not
restrained in
the number of
horses.

Prosecutions
for such addi-
tional number
of horses, how
and in what
manner to be
carried on.

LVI. Provided always, and be it enacted, That no prosecution shall be commenced before a justice of peace, by way of information, for any forfeiture incurred by the owner or driver of any carriage, having a greater number of horses therein than are allowed by this act, unless such information be laid within three days after the offence committed; and that no action shall be commenced for any such offence, unless the same be commenced within one calendar month after the offence committed; and that neither such information or action shall be laid or commenced, unless notice shall be given by the informer to the driver of every such carriage, on the day upon which the offence shall be committed, of an intention to complain of such offence; and if it shall appear to the justice before whom such complaint shall be made, that the offender lives so remote as to make it inconvenient to summon him to appear before such justice, the justice may dismiss the complaint, and leave the informer to his remedy by action at law.

Justices of
peace, at their
Michaelmas
quarter ses-
sions, may li-
cence an in-
crease of the
number of
horses.

LVII. Provided always, and be it further enacted, That it shall and may be lawful for the justices of the peace, at their respective general quarter sessions of the peace, to be held in the week after *Michaelmas*, to licence, in such manner, and for such time, as they shall think fit, an increase of the number of horses to be drawn in carriages up any steep hill, or on any road not turnpike, within their respective jurisdictions, over and above the number herein-before limited, if, upon inquiry into the state and con-

condition of such roads, they shall find any additional number of horses necessary; and, from time to time, at any *Michaelmas* quarter sessions, to revoke, alter, or vary the same, as they shall think fit.

LVIII. Provided always, and be it further enacted, That if it shall appear upon the oaths of credible witnesses, to the satisfaction of any justice or justices of the peace, or of any court of justice authorized to enforce the execution of this act, that any waggon, cart, or carriage, could not, by reason of deep snow or ice, be drawn by the number of horses or beasts of draught hereby respectively allowed; then, and in every such case, it shall and may be lawful for such justice or justices of the peace, or court respectively, and they are hereby respectively required, to stop all proceedings before them respectively for the recovery of any penalty or forfeiture which may have been incurred by drawing with a greater number of horses, or beasts of draught, than are hereby allowed; any thing herein contained to the contrary notwithstanding: provided also, That the regulations herein-before mentioned, concerning the number of horses, and wheels of carriages, shall not be deemed or construed to extend to carts, waggons, or other carriages, employed only in carrying any one stone, block of marble, cable rope, or piece of metal, or piece of timber, or to such ammunition or artillery, as shall be for his Majesty's service; and that two oxen or horned cattle shall, for all the purposes of this act, be considered as one horse.

LIX. And, for the better discovery of offenders against this present act, be it enacted, That the owner of every waggon, wain, or cart, and also of every coach, post chaise, or other carriage let to hire, shall paint, or cause to be painted, upon some conspicuous part of his waggon, wain, or cart, and upon the pannels of the doors of all such coaches, post chaises, or other carriages, before the same shall be used upon any publick highway, his or her christian and surname, and the place of his or her abode, in large legible letters, and continue the same thereupon so long as such waggon, cart, coach, post chaise, or other carriage shall be used upon any such highway; and the owner of every common stage waggon or cart, employed as travelling stages from town to town, shall, over and above his or her christian and surname, paint, or cause to be painted, on the part, and in the manner aforesaid, the following words, *Common Stage Waggon*, or *Cart*, as the case may be; and every person using any such carriage as aforesaid upon any highway, without the names and descriptions painted thereon respectively as aforesaid, or who shall paint, or cause to be painted, any false or fictitious name or place of abode, on such waggon, wain, cart, coach, post chaise, or other carriage, shall forfeit, for every such offence, a sum not exceeding five pounds, nor less than twenty shillings.

LX. And whereas many bad accidents happen, and great mischiefs are frequently done upon the streets and highways, by the negligence or wilful misbehaviour of persons driving carriages thereon; be it therefore further enacted, That if the driver of any cart, car, dray, or wag-

Justices may stop proceedings for forfeiture in respect of additional horses, when, from ice or deep snow, they were necessary.

Carriages excepted out of this act.

Two oxen to be considered as one horse.

The owner's name, &c. to be painted on all waggons, and carts, and also on coaches, post chaises, &c. let to hire.

Drivers of carriages punishable for misbehaviour or negligence,

in order to
prevent acci-
dents.

waggon, shall ride upon any such carriage in any street or highway, not having some other person on foot, or on horseback, to guide the same, (such carriages as are conducted by some person holding the reins of the horse or horses drawing the same excepted); or if the driver of any carriage whatsoever on any part of any street or highway shall, by negligence, or wilful misbehaviour, cause any hurt or damage to any person or carriage passing or being upon such street or highway, or shall quit the highway, and go on the other side the hedge or fence inclosing the same; or wilfully be at such distance from such carriage, whilst it shall be passing upon such highway, that he cannot have the direction and government of the horses or cattle drawing the same; or shall, by negligence or wilful misbehaviour, prevent, hinder, or interrupt the free passage of any other carriage, or of his Majesty's subjects, on the said highways; or if the driver of any empty or unloaded waggon, cart, or other carriage, shall refuse or neglect to turn aside and make way for any coach, chariot, chaise, loaded waggon, cart, or other loaded carriage; or if any person shall drive, or act as the driver, of any such coach, post chaise, or other carriage, let for hire, or waggon, wain, or cart, not having the owner's name, as before required, painted thereon, or shall refuse to discover the true christian and surname of the owner of such respective carriages; every such driver so offending in any of the cases aforesaid, and being convicted of any such offence, either by his own confession, the view of a justice of peace, or by the oath of one or more credible witness or witnesses, before any justice of the peace of the limit where such offence shall be committed, shall, for every such offence, forfeit any sum not exceeding ten shillings, in case such driver shall not be the owner of such carriage; and in case the offender be owner of such carriage, then any sum not exceeding twenty shillings: and in either of the said cases, shall, in default of payment, be committed to the house of correction, for any time not exceeding one month, unless the same shall be sooner paid; and every such driver offending in either of the said cases, shall and may, by authority of this act, with or without any warrant, be apprehended by any person or persons who shall see such offence committed, and shall be immediately conveyed or delivered to a constable or other peace officer, in order to be conveyed before some justice of the peace, to be dealt with according to law: and if any such driver, in any of the cases aforesaid, shall refuse to discover his name, it shall and may be lawful for the justice of the peace before whom he shall be taken, or to whom any such complaint shall be made, to commit him to the house of correction for any time not exceeding three months, or to proceed against him for the penalty aforesaid, by a description of his person and the offence, and expressing in such proceedings that he refused to discover his name.

Justices may
hold and ad-
journ special
sessions when-
ever they
think fit,

LXI. And be it further enacted, That it shall and may be lawful for any two or more justices of the peace within their respective limits, and they are hereby impowered, from time to time, whenever they shall judge proper, to hold any special sessions,

sions, besides that which is herein-before directed, for executing the purposes of this act; and to adjourn the same from time to time, as they shall think fit, causing notice to be given of the time and place of holding such special sessions, and of the adjournments thereof, to the several justices acting and residing within such limits, by the high constable, or other proper officer within the same.

LXII. And, for preventing obstructions, which frequently happen by stopping of carriages on or near publick bridges, be it further enacted, That if any person or persons collecting any tolls payable for passing over any publick bridge with carriages or cattle of any kind, shall keep any victualling-house, alehouse, or other place of publick entertainment, or shall sell, or permit to be sold therein, any wine, beer, ale, cyder, spirituous liquors, or other strong liquors, by retail, he, she, or they, being lawfully convicted of such offence, by the oath of one or more credible witness or witnesses, or by his own confession, before any justice of the peace of the limit wherein such offence shall be committed, shall, for every such offence, forfeit the sum of five pounds.

LXIII. And whereas inconveniencies have arisen from making hedges or other fences, and from ploughing or breaking up the soil of lands or grounds near the middle or centre of highways: for remedy thereof, be it enacted, That if any person shall incroach, by making, or causing to be made, any hedge, ditch, or other fence, on any highway, not being turnpike road, within the distance of fifteen feet from the middle or centre thereof, or shall plough, harrow, or break up the soil of any land or ground, or in ploughing or harrowing the adjacent lands, shall turn his plough in or upon any land or ground within the distance of fifteen feet from the middle or centre of any highway, where the breadth of such highway is formed and marked, or described with certainty, and does not exceed in breadth thirty feet, every person so offending shall forfeit, for every such offence, forty shillings, to such person who shall make information of the same; and it shall be lawful for the surveyor who hath the care of any such road to cause such hedge, ditch, or fence, to be taken down, or filled up, at the expence of the person or persons to whom the same shall belong: and it shall and may be lawful for any one or more justice or justices of the peace of the limit where such offence shall be committed, upon proof to him or them made upon oath, to levy as well the expences of taking down such hedges as aforesaid, as the several and respective penalties hereby imposed, by distress and sale of the offender's goods and chattels, in such manner as distresses and sales for forfeitures are authorised and directed to be levied by virtue of this act.

LXIV. And be it further enacted, That it shall and may be lawful for the court before whom any indictment or presentment shall be tried for not repairing highways, to award costs to the prosecutor, to be paid by the person or persons so indicted or presented, if it shall appear to the said court that the defence made to such indictment or presentment was frivolous; or to award costs

upon giving notice to the other justices.

In order to prevent obstructions, alehouses, &c. not suffered to be kept on bridges where tolls are taken.

Penalty for incroaching on highways.

Incroachment to be taken down by the surveyor.

Court may award costs to the prosecutor or defendant upon an indictment or presentment.

costs to the person indicted or presented, to be paid by the prosecutor, if it shall appear to the said court that such prosecution was vexatious.

Expences for carrying on or defending prosecutions, agreed upon at a vestry meeting, how to be paid.

LXV. And be it further enacted, That the inhabitants of any parish, township, or place, shall agree, at a vestry or publick meeting, to prosecute any person by indictment for not repairing any highway within such parish, township, or place, which they apprehend such person was obliged by law to repair, or for committing any nuisance upon any highways, or shall agree at such vestry meeting to defend any indictment or presentment preferred against any such parish, township, or place, it shall and may be lawful for the surveyor of such parish, township, or place, to charge in his account the reasonable expences incurred in carrying on or defending such respective prosecutions, after the same shall have been agreed to by such inhabitants at a vestry or publick meeting, or allowed by a justice of the peace within the limit where such highway shall be; which expences, when so agreed to, or allowed, shall be paid by such parish, township, or place, out of the fines, forfeitures, compositions, payments, and assessments, authorised to be collected and raised by virtue of this act.

The notice required for holding vestries or publick meetings.

LXVI. And be it further enacted, That in all cases where a vestry or publick meeting of the inhabitants of any parish, township, or place, is authorised or directed by this act, there shall be publick notice given of the day, hour, and place, of holding the said meeting, at the church or chapel of such parish, township, or place, on the *Sunday* next preceding such meeting, and also notice thereof in writing, specifying the purpose of such meeting, fixed at the same time upon the door of such church or chapel, and the same shall not be held till three days at least after such notice given; and if there be no church or chapel, the like notice of such meeting shall be given in writing, and put up at the most publick place therein, three days at least before such meeting.

Sums assessed may be levied by distress and sale of the offender's goods.

LXVII. And be it further enacted, That if any person shall refuse or neglect to pay the sum or sums assessed upon him, by any assessment to be made in pursuance of this act, within ten days after demand thereof made, the same shall and may be levied by the surveyor, or any other person or persons authorised, by warrant under the hand and seal of one justice of the peace, having jurisdiction therein, by distress and sale of the goods and chattels of the person so refusing or neglecting, rendering the overplus to the owner or owners thereof, the necessary charges of making such distress and sale being first deducted; and in default of such distress, it shall be lawful for any such justice to commit the person so refusing or neglecting to the common gaol, there to remain until he shall have paid the sum so assessed, and the costs and charges occasioned by such neglect or refusal.

Surveyor may be a competent witness.

LXVIII. And be it further enacted, That the surveyor of any parish, township, or place, shall be deemed, in all cases, a competent witness, in all matters relative to the execution of this act, notwithstanding his salary may arise in part from the forfeitures and penalties hereby inflicted.

LXIX. And

LXIX. And be it further enacted, That the forms of proceedings relative to the several matters contained in this act, which are set forth and expressed in the schedule hereunto annexed, shall be used, upon all occasions, with such additions or variations only as may be necessary to adapt them to the particular exigencies of the case; and that no objection shall be made, or advantage taken, for want of form in any such proceedings, by any person or persons whomsoever.

LXX. And, in order to have the contents of this act more generally communicated and known, be it further enacted, That the justices of the peace, within their respective limits, shall, at every special sessions to be held in the week next after the *Michaelmas* general quarter sessions of the peace, procure and deliver, or caused to be procured and delivered, a printed abstract of the most material parts of this act to every surveyor, to be then appointed by them respectively, as the charge hereby directed to be given; and shall also, at their said special sessions, to be held in the year one thousand seven hundred and seventy three, deliver, or cause to be delivered, to every of the said surveyors, one other of the said printed abstracts of this act, for the use of the parish, township, or place, for which the said surveyor shall be appointed; which last-mentioned abstract the said surveyors are hereby respectively ordered and required to fix on the church or chapel door, or other publick place, within their respective liberties, on the next *Sunday* after they shall so receive the same; and the said surveyors shall severally pay to the said justices' clerks the sum of fixpence for each of the said last-mentioned printed abstracts.

LXXI. And be it further enacted, That in case any person or persons shall resist or make forcible opposition against any person or persons employed in the due execution of this act, or make any rescue of the cattle or other goods distrained by virtue of this act; or if any constable, headborough, or tythingman, shall refuse or neglect to execute or obey any warrant or precept granted by any justice of the peace, pursuant to the directions of this act; every such person offending therein, and being convicted thereof by a justice of the peace, shall, for every such offence, forfeit any sum not exceeding ten pounds, nor less than forty shillings, at the discretion of the justice before whom he or she shall be so convicted; to be paid to the surveyor of the highways for the parish, township, or place, where the offence was committed, to be laid out in the repair of the highways: and in case he or she do not forthwith pay, or secure to be paid, the said forfeiture, after such conviction; then it shall and may be lawful for such justice of the peace to commit such person or persons to the common gaol, or house of correction, of the limit where such offence shall be committed, there to remain for any time not exceeding three months, unless the said forfeiture shall be sooner paid.

LXXII. And be it further enacted, That all penalties and forfeitures by this act imposed for any offence against the same, costs, and all costs and charges to be allowed and ordered by the authority of this act, (the manner of levying and recovering of which

Concerning the forms of proceedings.

Printed abstracts to be given to surveyors.

One to be fixed on the church door.

Persons resisting the execution of this act, or constables refusing to obey the warrant of a justice of peace,

to forfeit not exceeding 10l. nor less than 40s.

Forfeitures, costs, and charges, may be levied by distress and

sale of the of-
fender's
goods:

In what man-
ner to be ap-
plied.

How to pro-
ceed when the
offender lives
within another
jurisdiction.

Warrant of
distress when
to be issued.

which is not hereby otherwise particularly directed), shall be levied by distress and sale of the goods and chattels of the offender, or person liable or ordered to pay the same respectively, by warrant under the hand and seal of some justice of the peace for the limit where such offence, neglect, or default, shall happen, or such order for payment of such costs or charges shall be made, rendering the overplus of such distress (if any be) to the party or parties, after deducting the charges of making the same; which warrant such justice is hereby impowered and required to grant, upon conviction of the offender, by confession, or upon the oath of one or more credible witness or witnesses, or upon order made as aforesaid; and the penalties and forfeitures, when so levied, shall be paid, the one half to the informer, and the other half to the surveyor of the highway where such offence, neglect, or default, shall happen; to be applied towards the repair thereof, unless otherwise directed by this act; but in case the surveyor shall be the informer, then the whole shall be employed towards the repair of such highway: and in case such distress cannot be found, and such penalties and forfeitures, or the said costs and charges, shall not be forthwith paid, it shall and may be lawful for such justice, and he is hereby authorised and required, by warrant under his hand and seal, to commit such offender or offenders, or person or persons, liable to pay the same respectively, to the common gaol, or house of correction, of the limit where the offence shall be committed, or such order as aforesaid shall be made, for any time not exceeding three months, unless the said penalty, forfeiture, costs, and charges, shall respectively be sooner paid; and if such offender or offenders, or person or persons, liable or ordered to pay the same respectively, shall live out of the jurisdiction of the justice hereby authorised to grant such warrant, it shall and may be lawful for any justice of the peace of the limit wherein such person shall inhabit, and every such justice is hereby required, upon request to him for that purpose made, and upon a true copy of the conviction whereby such forfeiture or penalty was incurred, and of the order for the payment of such costs and charges, produced and proved by a credible witness upon oath, by warrant under his hand and seal, to cause the penalty or forfeiture mentioned in such conviction, and the costs and charges mentioned in such order, or so much thereof as shall not have been paid, to be levied by distress and sale of the goods and chattels of such offender or offenders, or person or persons, liable or ordered to pay the same respectively, as aforesaid; and if no sufficient distress can be had, to commit such offender or offenders, or person or persons, liable as aforesaid, to the common gaol, or house of correction, of such limit, for the time and in manner aforesaid.

LXXIII. Provided nevertheless, That no warrant of distress, unless otherwise directed by this act, shall be issued for levying any penalty or forfeiture, costs or charges, until six days after the offender shall have been convicted, and an order made and served upon him or her for payment thereof,

LXXIV. Pro-

LXXIV. Provided also, and be it further enacted, That every prosecutor or informer may, at his election, sue for, and recover any forfeiture or penalty imposed by this act, which shall amount to the sum of forty shillings or upwards, (the manner of recovery thereof not being particularly directed by this act), either in the manner herein before directed, or by action at law, to be brought by such informer or prosecutor in any of his Majesty's courts of record, in manner following; (that is to say), where any person it shall be liable to any such pecuniary penalty, it shall and may be lawful to sue for and recover the same by action of debt, in which it shall be sufficient to declare, that the defendant is indebted to the plaintiff in the sum of being forfeited by an act, passed in the thirteenth year of the reign of his present Majesty, intituled, *An act to explain, amend, and reduce into one act of parliament, the statutes now in being for the amendment and preservation of the publick highways within that part of Great Britain called England, and for other purposes*; and the plaintiff, if he recovers in any such actions, shall have double costs.

The prosecutor has his option to proceed for the forfeiture by information before a justice, or by action at law, if it amount to 40s.

LXXV. Provided, That there shall not be more than one recovery for the same offence; and that ten days notice, in writing, be given to the party offending previous to the commencement of such action; and that the same be brought and commenced within one calendar month after the offence for which such action is brought shall have been committed.

Within what time actions are to be commenced, and what notice is to be given.

LXXVI. Provided also, and be it further enacted, That no conviction shall be had or made by virtue of this act, unless upon confession of the party accused, or upon the oath of one or more credible witnesses or witnesses, or upon the view of a justice of peace, in the cases before mentioned; and that any inhabitant of any parish, township, or place, in which any offence shall be committed contrary to this act, shall be deemed a competent witness, notwithstanding his or her being an inhabitant of such parish, township, or place.

Convictions how to be made.

Inhabitant of a parish a good witness.

LXXVII. And be it further enacted, That it shall and may be lawful for any justice of the peace to administer an oath to any witness or witnesses, or other person or persons, for the better discovery and execution of the several matters or things hereinbefore authorized or directed to be examined, enquired into, or performed by such justice.

Justices may administer oaths.

LXXVIII. And be it further enacted, That where any distress shall be made for any sum or sums of money to be levied by virtue of this act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers, on account of any default or want of form in any proceedings relating thereto, nor shall the party or parties distraining be deemed a trespasser or trespassers *ab initio*, on account of any irregularity which shall be afterwards done by the party or parties distraining, but the person or persons aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case.

Satisfaction recoverable for special damage; but distresses not unlawful for want of form in the proceedings.

LXXIX. Provided always, That no plaintiff or plaintiffs shall recover to recover for.

Plaintiffs not to recover for.

irregularity,
if tender of
amends be
made.

recover in any action for any irregularity, trespass, or wrongful proceedings, if tender of sufficient amends shall be made by or on the behalf of the party or parties who shall have committed, or caused to be committed, any such irregularity, trespass, or wrongful proceedings, before such action brought; and in case no such tender shall have been made, it shall and may be lawful for the defendant in any such action, by leave of the court where such action shall depend, at any time before issue joined, to pay into court such sum of money as he or they shall see fit, whereupon such proceedings or orders, and judgment, shall be had, made, and given, in and by such court, as in other actions where the defendant is allowed to pay money into court.

Appeal may
be made to
quarter ses-
sions by the
person ag-
grieved by any
thing done in
the execution
of this act.

LXXX. Provided also, and be it further enacted, That if any person shall think himself or herself aggrieved by any thing done by any justice or justices of the peace, or other person, in the execution of any of the powers given by this act, and for which no particular method of relief hath been already appointed, every such person may appeal to the justices of the peace, at any general quarter sessions of the peace to be held for the limit wherein the cause of such complaint shall arise, such appellant giving, or causing to be given, notice in writing, of his or her intention to bring such appeal, and of the matter thereof, to the justice, or other person or persons against whom such complaint shall be made, within six days after the cause of such complaint arose, and within four days after such notice, entering into recognizance before some justice of the peace within such limit, with one sufficient surety, conditioned to try such appeal at, and abide the order of, and pay such costs as shall be awarded by the justices at such quarter session; and every justice of the peace, and other person, having received notice of such appeal, as aforesaid, shall return all proceedings whatsoever had before them respectively, touching the matter of such appeal, to the said justices, at their general quarter sessions aforesaid, on pain of forfeiting five pounds for every such neglect; and the said justices at such session, upon due proof of such notice being given as aforesaid, and of the entering into such recognizance, shall hear and finally determine the causes and matters of such appeal in a summary way, and award such costs to the parties appealing or appealed against, as they the said justices shall think proper; to be levied and recovered as herein-before directed; and the determination of such quarter session shall be final and conclusive to all intents and purposes; and that no proceedings to be had or taken in pursuance of this act shall be quashed or vacated for want of form, or removed by *Certiorari*, or any other writ or process whatsoever, (except as herein-before mentioned), into any of his Majesty's courts of record at *Westminster*, any law or statute to the contrary notwithstanding: provided, that no such appeal shall be made against any conviction for any penalty or forfeiture incurred by virtue of this act, unless the person convicted shall, at the time of such conviction, if he or she shall be then present, if not, within six days after, give notice of his or her intention to appeal, and at the same time

Proceedings
not to be
quashed for
want of form,
nor remove-
able by *Certio-
rari*.

time enter into recognizance with sufficient sureties to pay such penalty or forfeiture, in case such conviction shall be affirmed upon such appeal; and upon his or her giving such security, the further proceeding for such penalty or forfeiture shall be suspended until such appeal shall be heard and determined.

LXXXI. And be it further enacted, That if any action or suit shall be commenced against any person or persons for any thing done or acted in pursuance of this act; then, and in every such case, such action or suit shall be commenced or prosecuted within three calendar months after the fact committed, and not afterwards; and the same, and every such action or suit, shall be brought within the county where the fact was committed, and not elsewhere; and the defendant or defendants, in every such action or suit, shall and may plead the general issue, and give this act, and the special matter, in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this present act: and if the same shall appear to have been so done, or if any such action or suit shall be brought after the time limited for bringing the same, or be brought or laid in any other place than as aforementioned, then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action, after the defendant or defendants shall have appeared, or if, upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for recovery thereof, as any defendant or defendants hath or have in any other cases by law.

LXXXII. And be it further enacted, That this act shall commence and take place, with respect to the assembling of the householders and others, and the making and delivering of lists of persons qualified to serve the office of surveyor, and the giving notices to the persons contained in such lists, upon the twenty-first day of *September*, one thousand seven hundred and seventy-three; and, with respect to all the other matters and things herein contained, on the eleventh day of *October*, one thousand seven hundred and seventy-three.

LXXXIII. And, to the intent that there may be only one law subsisting for the several purposes aforesaid, be it further enacted and declared, That from and after the tenth day of *October*, one thousand seven hundred and seventy-three, an act, passed in the seventh year of the reign of his present Majesty, intituled, *An act to explain, amend, and reduce into one act of parliament, the several statutes now in being for the amendment and preservation of the public highways of this kingdom, and for other purposes therein mentioned*, (except so much thereof as repeals the several acts, and parts of acts, therein mentioned, which are not revived by an act, passed in the eighth year of the reign of his present Majesty, intituled, *An act to explain, amend, and render more effectual an act, passed in the seventh year of his present Majesty's reign, intituled, An act to explain, amend, and reduce into one act of parliament, the several statutes now in being for the amendment and preser-*

vation of the publick highways of this kingdom, and for other purposes therein mentioned, shall be, and the same is hereby repealed.

Surveyors appointed under 7 Geo. 3. to pass their accounts at special sessions after Michaelmas next.

LXXXIV. Provided nevertheless, That the several surveyors appointed under the authority of the said act, passed in the seventh year of the reign of his present Majesty, shall produce such books and lists, and pass their accounts, before the justices at their respective special sessions, to be holden within their respective limits, in the week next after the *Michaelmas* quarter sessions, in the year one thousand seven hundred and seventy three, and pay the balances thereof, in such manner as they ought to have done at the special sessions, which was by the said act to have been held on the first *Monday* in *October*, or within fifteen days after; and if the justices shall appoint any surveyor or surveyors under the authority of the said act, such appointment shall be void, and of no effect.

Exceptions relative to Bristol;

LXXXV. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained, touching the making and returning lists of persons qualified to be surveyors of the highways, and the appointment of such surveyors, nor the repeal of part of an act, made in the third year of King *William* and Queen *Mary*, relating to such surveyors, shall extend, or be construed, deemed, or taken to extend to the city of *Bristol*; but that the several acts of parliament which have been passed previous to this act, relative to surveyors of the highways, and to cleansing, paving, lighting, and regulating the streets and other places within the said city, shall remain in full force, and be executed in as full and ample manner and form, to all intents and purposes, as the same might or ought to have been, if this act had never been made.

and Saint Mary Matfelon, &c.

LXXXVI. Provided also, That nothing in this act shall extend, or be deemed or construed to extend, to the parish of *Saint Mary Matfelon*, otherwise *Whitechapel*, and *Saint John of Wapping*, in the county of *Middlesex*, or either of them.

Powers of commissioners of sewers not abridged.

LXXXVII. Provided always, and be it further enacted, That nothing in this act contained shall extend, or be deemed or construed to extend, to alter, restrain, or abridge, the powers or authorities given to the commissioners of sewers by any act or acts of parliament whatsoever, or to vary or alter any of the provisions or regulations thereby made, directed, or provided; any thing herein contained to the contrary thereof in any wise notwithstanding.

T H E
S C H E D U L E

(Stating the forms) to which this act refers.

N^o. 1.

Warrant for calling the meeting of the householders, &c.
and for fixing that of the justices for appointing surveyors.

Middlesex. *To the constables, headboroughs, and tythingmen, within the (Hundred) Riding) Division) Liberty) or Precinct) as the case shall be) of in the said county.*

IN order to carry into execution an act, made in the thirteenth year of the reign of his majesty King George the Third, *for the amendment and preservation of the publick highways*, you are hereby severally required forthwith to give publick notice to the churchwardens, surveyors of the highways, and householders, being assessed to any parochial or publick rate within your respective liberties, that they do assemble on the twenty-second day of *September* next, at the church or chapel, or if there shall be no church or chapel, then at the usual place of publick meetings within their respective liberties, at the hour of eleven in the forenoon; and that the major part of them so assembled do make a list of the names of at least ten persons living therein, who each of them have an estate in lands, tenements, or hereditaments, lying within the same, in their own right, or in right of their wives, of the value of ten pounds by the year; or a personal estate of the value of one hundred pounds; or are occupiers or tenants of houses, lands, tenements, or hereditaments, of the yearly value of thirty pounds: and if there shall not be ten persons having such qualifications, then that they do insert in such list the names of so many of such persons as are so qualified, together with the names of the most sufficient and able inhabitants not so qualified, as shall make up the number ten, if so many can be found, if not, so many as shall be there resident, to serve the office of surveyor of the highways: and you are also severally required, within three days after making the said list, to deliver a copy thereof to one of the justices of peace of the said (*Hundred*) *Riding*) *Division*, &c.) *as the case shall be*) living in or near the same (*Parish*, &c.); and also to give personal notices to, or cause notices in writing to be left at the places of abode of the several persons

Anno decimo tertio GEORGH III. c. 78. [1773.

contained in such list, informing them of their being so named, to the intent that they may severally appear before the said justices at their special sessions to be holden at within the said (*Hundred, &c.*) on the day of

now next ensuing, at the hour of in the forenoon of the same day, to accept such office, if they shall be appointed thereto, or to shew cause, if they have any, against their being appointed; and you are likewise to give notice to the present surveyors of the highways, within your respective liberties, to appear at the same time and place, and produce such accounts and lists before the said justices as are required by the said act; and you, and each of you are personally to appear before the said justices, at their said special sessions, and then and there severally deliver to the said justices the said original list or lists taken within your respective liberties, and give an account of the execution of this our precept.

Given under our hands and seals, the day of in the year of our Lord, 17

Nº. II.

Lift of persons to be returned to the justices.

A Lift of the several persons named for surveyors of the highways for the (insert the name of the parish, township, or place) at a meeting held at in the said (Parish, &c.) the day of 17

A. B.
C. D. &c.

This to be added, when a particular person is recommended.

WE whose names are subscribed, being two parts in three of the persons assembled at the meeting aforesaid, do agree in the choice of *A. B.* as a fit person to serve the office of surveyor for the (*insert the Parish, &c.*) aforesaid, and in the allowance to him of for his trouble in executing the same for the year ensuing; and we do recommend the said *A. B.* to the justices for their appointment accordingly.

Nº. III.

Notice to the persons contained in the list.

A. B. take notice, That you was at a meeting held at (*insert the name of the parish, &c.*) on the day of named as one of the persons to be returned to the justices as fit to serve the office of surveyor for the said (*Parish, &c.*) for the year ensuing; and if you have any cause to shew why you should not be appointed to serve such office, you must make the same appear before the justices,

at their special sessions to be holden at
day of on the
next.

A. B. { Constable,
Headborough, or
Tithingman,
(as the case shall be.)

N^o. IV.

Order to the (*Constable, &c.*) to return to the justices the amount of a sixpenny assessment.

Middlesex. *To the (Constable, &c.) of*

YOU are hereby required to return to us, and the other justices, to be assembled at the special sessions to be held at *dred, &c.*) of for the (*Hundred, &c.*) in the said county, on the day of next, the amount of the last assessment of sixpence in the pound, for the use of the highways within your liberty, if any such has been raised; if not, what you apprehend, from the best information you can get, an equal assessment of sixpence in the pound upon all and every the occupiers of lands, tenements, woods, tithes, and hereditaments, within the said liberty, according to their yearly value, will amount to.

Given under our hands this day
of 17

N^o. V.

Return to the justices of the amount of a sixpenny assessment.

To the justices assembled at their special sessions at
the day of 17

IN obedience to your order, I do return and certify, that the last assessment of sixpence in the pound, for the use of the highways within the liberty of amounted to the sum of

[*If no assessment of sixpence in the pound hath been made, then as under.*]

IN obedience to your order, I do return and certify, that no assessment hath been made of sixpence in the pound, for the use of the highways within the liberty of but I apprehend, from the best information which I have been able to get, that an equal assessment of sixpence in the pound, upon all the occupiers of lands, tenements, woods, tithes, and hereditaments, within the said liberty, will amount to the sum of

A. B. (*Constable, &c.*)

N^o. VI.

Appointment of a surveyor.

Middlesex. *At a special sessions, held at* *in the*
hundred of *by justices of the peace for the said*
county, acting within the said hundred, on the
day of 17

WE do hereby nominate and appoint *A. B. &c.* of (*insert the name of the parish, &c. where he lives*) in the said hundred, surveyor (*or surveyors*) of the highways within the said (*Parish, &c.*) for the year ensuing; (and we do allow the said *A. B.* the salary of for his trouble :) and you the said *A. B.* are faithfully and truly to execute the said office of surveyor, according to the directions of the statute, passed in the thirteenth year of the reign of his majesty King *George* the Third, "For the amendment and preservation of the highways," an abstract of the material parts of which statute is hereunto annexed.

This to be inserted when a surveyor is appointed with a salary.

Given under our hands and seals, the day and year above mentioned.

N^o. VII.

Bond from the surveyor.

WE *A. B.* surveyor of the highways for the (*Parish, Town-ship, &c.*) of *and C. D.*
of are bound to *E. F.*
of aforesaid, in the sum of
pounds to be paid to the said *E. F.* his
executors, administrators, or assigns; for which payment we hereby bind ourselves severally, and each of our heirs, executors, and administrators.

Dated the day of 17

The condition of this bond is such, that if the said *A. B.* his executors, or administrators, shall duly and faithfully account for, apply, and pay, all and every the sum and sums of money which shall come to his hands, as surveyor of the highways for the (*Parish, &c.*) according to the direction and true intent and meaning of the statute made in the thirteenth year of the reign of his majesty King *George* the Third, "For the amendment and preservation of the highways," then this bond to be void, or else to remain in full force.

N^o. VIII.

Appointment of an assistant to the surveyor.

Middlesex. *At a special sessions, held at*
in the hundred of *by justices of the peace*
for the said county, acting within the said hundred, on the
day of 17

WE do hereby nominate and appoint *C. D.* a substantial inhabitant of the (*Parish, &c.*) of in the
said

saïd hundred, assistant to *A. B.* whom we have appointed surveyor of the highways for the saïd (*Parish, &c.*) ; and you the saïd *C. D.* are, to the best of your skill and judgement, to assist the saïd surveyor, whenever requested by him, in calling in and attending the performance of the statute-duty, in collecting the compositions, fines, penalties, and forfeitures, and in making and collecting the assessments, and in making out, and serving, the notices authorised by the act, passed in the thirteenth year of the reign of his majesty King *George* the Third, "For the amendment and preservation of the highways," and in such other matters and things as shall be reasonably required of you by the saïd surveyor, in the execution of his office of surveyor, pursuant to the saïd act ; and you are justly and truly to account with, and pay to, the saïd surveyor, or to his order, the money which shall come to your hands by the means aforesaid.

Given under our hands and seals, the day and year above mentioned.

N^o. IX.

Oath to be administered to the surveyor upon passing his accounts.

I *A. B.* do swear, That the accounts now produced and delivered by me, as surveyor of the highways for the (*Parish, &c.*) of _____ for the last year, are just and true, to the best of my knowledge.

So help me GOD.

N^o. X.

Allowance of the accounts.

October, 17

THESE accounts were examined and allowed before

N^o. XI.

Notice from the surveyor to remove nuisances and obstructions, and to cut hedges, &c.

To *C. D.* of _____

IN pursuance of the directions given by the act, passed in the thirteenth year of the reign of his majesty King *George* the Third, "For the amendment and preservation of the highways,"

I A. B. surveyor of the highways for the (*Parish, &c.*) of _____ do hereby give you notice, forthwith to remove nuisances and the (*Dung*) *Timber* *Stone, &c.*) placed by you in a certain part obstructions, of the King's highway, lying between _____ and _____ in the (*Parish, &c.*) of _____ to the obstruction and annoyance of the saïd highway : or, (forthwith

To cut and
prune hedges,
and to cut or
prune trees,
and to open
and scour
ditches and
watercourses,

with to cut, prune, and plash the hedges, and cut or prune the trees, and to open, cleanse, and scour the several ditches and watercourses, belonging to you) in or near the highway, lying between and to the intent that the water may be drained from the said highway, and that the sun and wind may not be excluded from such highway, to the prejudice thereof.

Dated this

day of

17

A. B.

N^o. XII.

Allowance of charges and expences paid by surveyors, which are to be repaid by the possessors of the lands, &c. and order of the justice for that purpose.

Middlesex. **W**HEREAS complaint hath been made unto me *A. B.* esquire, one of his Majesty's justices of peace for the said county, by the oath of surveyor of the highways for the parish of in the said county, that *C. D.* of having had due notice to cut and prune his hedges, and cleanse and scour his ditches and watercourses, within or adjoining to the publick highway between and in the said parish of hath neglected to do the same within the time required by such notice, and that the said hath caused the same respectively to be cut, pruned, cleansed, and scoured, pursuant to the directions of the act, passed in the thirteenth year of the reign of his majesty King *George* the Third, "For the amendment and preservation of the highways," and hath expended therein the sum of as appears by an account now produced to me, which I think a reasonable charge, and do therefore allow the same, and hereby order the said *C. D.* to pay the said sum of to the said within six days from the time of his being served with this order.

Given under my hand and seal, this

day

of

17

N^o. XIII.

Order of a justice of peace to make new drains.

Middlesex. To *C. D.* of surveyor of the highways for the (Parish, &c.) of

WHEREAS complaint hath been made to me *A. B.* esquire, one of his Majesty's justices of the peace for the said county, that the ditch, gutter, or watercourse, for conveying the water from the highway at in the (Parish, &c.) of in the said county, is not sufficient for that purpose, and that the cleansing and opening the same will not effectually carry off the said water, but that the said highway may

may be effectually drained, and the water carried off, by making a new ditch or drain through the lands or grounds of lying near the same for the length of yards, and the breadth of feet; and the said

having been duly summoned to appear before me, to shew cause, if he had any, why the said ditch or drain should not be made, and the said not appearing, or (not shewing sufficient cause against the same,) and it appearing to me that such ditch or drain is necessary, I do hereby order and require you to enter into and upon the said lands of the said

and there make, or cause to be made, a new ditch or drain of the length and breadth aforesaid, and of a convenient depth, making or tendering sufficient satisfaction to the said for the damages to be done thereby within one calendar month after the same shall be so made; such damages to be settled and ascertained in manner directed by the act passed in the thirteenth year of the reign of his majesty King George the Third, "For the amendment and preservation of the highways."

Given under my hand, this day
of 17

N^o. XIV.

Notice of application to be made for an assessment.

Middlesex. **N**OTICE is hereby given, that application will be made to the justices of the peace acting for the (*Hundred*) of in the said county, at their special sessions, to be held at in the said (*Hundred*), on the day of one thousand seven hundred for an equal assessment to be made, not exceeding in the pound upon all and every the occupiers of lands, tenements, woods, tithes, and hereditaments, within the (*Parish*, &c.) of for the use and benefit of the highways, within the said (*Parish*, &c.)

Dated this day of 17
A. B. surveyor.

N^o. XV.

Order at special sessions for an assessment of sixpence in the pound.

Middlesex. *At a special sessions for the highways, held at*
in the hundred of *in the said county, the*
day of 17 *by justices of peace for*
the said county acting within the said hundred.

UPON application made to us by the surveyor of the highways for the (*Parish*, &c.) of and upon evidence given upon oath before us, (that the duty directed to be performed, and the money authorized to be collected and received, by an act, passed in the thirteenth year of the reign of his

his majesty King *George* the Third, "For the amendment and preservation of the highways," have been performed, applied, and expended, according to the directions of the said act :) *or*, (we are fully satisfied, that the common highways, bridges, causeways, streets, and pavements, belonging to the (*Parish*, &c.) of _____ are so far out of order, that they cannot be sufficiently amended and repaired, paved, cleansed, and supported, by the means prescribed by the said act :) and it appearing to us, that notice has been duly given of such intended application, according to the direction of the said act, we do hereby order, direct, and appoint, that an equal assessment, not exceeding the sum of _____ in the pound, upon all and every the occupiers of lands, tenements, woods, tithes, and hereditaments, within the said (*Parish*, &c.) of _____ shall be forthwith made by the said surveyor, and shall be allowed by one justice of the peace for the said hundred, and shall be collected by the said surveyor, and that the money so to be assessed and collected shall be applied for and towards the amending, repairing, paving, cleansing, and supporting such highways, causeways, streets, pavements, and bridges, (*and for buying materials, making satisfaction for damages, erecting guide-posts, and paying the surveyor's salary,*) according to the direction and true intent and meaning of the said act.

If no assessment has been made for buying materials, &c. this may amount to nine pence in the pound; but if a six-pence assessment had been made before, it must be only three-pence. These latter words may be added here, if there has been no former assessment for those purposes.

A. B.
C. D.

N^o. XVI.

Order of two justices for [*widening*] or [*diverting and turning*] a highway.

Middlesex. **WE**, two of his Majesty's justices of the peace for the said county, acting within the (*Hundred*, &c.) of _____ within the said county, having, upon view, found that a certain part of the highway between _____ and _____ in the (*Parish*, &c.) of _____ in the said (*Hundred*,) _____ for the length of _____ yards, or thereabouts, and particularly described in the plan hereunto annexed, is for the greatest part thereof narrow, *and cannot be conveniently enlarged and made commodious for travellers, without diverting and turning the same; and having viewed a course proposed for the said new highway, through the lands and grounds of _____ and _____ of the length of _____ yards or thereabouts, and of the breadth of _____ feet, or thereabouts, particularly described in the plan hereunto annexed which we think will be much more commodious to the publick; we do hereby order, that the said highway be *diverted and turned* through the lands aforesaid; and that the surveyor of the highways for the (*Parish*, &c.) of _____ where the said old highway lies, do forthwith proceed to treat and make agreement with _____ the*

10 B. &c. 479.

(When it is only to be widened, leave out the words in italick, and insert,) But may be conveniently enlarged and widened, by adding thereto from _____ or, widened and enlarged.

the said and for the recompence to be made for the said ground, and for the making such ditches and fences as shall be necessary, in such manner, with such approbation, and by pursuing such measures and directions in all respects, as are warranted and prescribed by the statute, made in the thirteenth year of the reign of his majesty King George the Third, "For the amendment and preservation of the highways:" and in case such agreement shall be made as aforesaid, we do order an equal assessment, not exceeding the rate of sixpence in the pound, to be made, levied, and collected, upon all and every the occupiers of lands, tenements, woods, tithes, and hereditaments, in the said (*Parish, &c.*) of and that the money arising thereupon be paid and applied in making such recompence and satisfaction, as aforesaid, pursuant to the directions of the said act.

A. B.

C. D.

No. XVII.

Certificate from the said justices to the court of quarter sessions,

To the justices of the peace, at their general quarter sessions, to be held at in the said county, the day of 17

This is to be wrote upon the above order, when no agreement can be made.

WE the within named A. B. and C. D. do hereby certify to the said court of quarter sessions, that we made and signed the within order, and that with our approbation, and by our direction, the said surveyor hath treated with the said and for the said lands required for the purposes aforesaid, but was not able to make any agreement for that purpose with them, or either of them; and that he tendered to the said the sum of and to the said the sum of as a recompence for the said ground, and for the making the said ditches and fences, which they, and each of them, refused to receive.

A. B.

C. D.

No. XVIII.

Order for stopping up the old highway, and selling the land and soil thereof.

WE whose names are subscribed, being the justices of peace who have viewed the several highways described in the plans hereunto annexed, and made an order for diverting the old highway; and being satisfied that the new highway therein described is properly made, and fit for the reception of travellers, do hereby order the said old highway, being of the length of yards, and of the breadth of feet, upon a medium, as appears by the said plan, to be stopped up, If there are more highways than one to be stopped up, there should be a separate order for each.

This to be inserted where necessary, and to be varied as the circumstances of the case may require.

up, and the land and soil thereof to be sold by the said surveyor to whose land adjoins thereto, if he shall be willing to purchase the same, for the full value thereof, if not, to some other person or persons, for the full value thereof: (reserving nevertheless to a free passage for persons, horses, cattle, and carriages, through the land and soil of the said old highway to and from the (*Land*; &c.) belonging to him, called according to his ancient usage thereof.)

N^o. XIX.

Certificate to be wrote under the order above mentioned.

WE, the above-named justices, do certify, That the old highway, herein-before mentioned and described, was sold by the said surveyor to with our approbation, for the sum of which sum we do order the said to pay to the said surveyor, to be applied in purchasing the land, and making the said new highway; and if any surplus remains, we do order that the same shall be applied for the use of the highways within the said (*Parish*, &c.) of

N^o. XX.

Receipt for the purchase-money to be indorsed upon, or wrote under, the certificate above mentioned.

RECEIVED the day of from the said the sum of being the full consideration-money for the purchase of the said old highway herein-before described, pursuant to the said orders and certificate.

N^o. XXI.

Order of two justices for diverting and turning a (*publick highway, bridleway, or footway, as the case shall be*) through the lands of any person who consents thereto.

Middlesex. **W**E, and esquires, two of his Majesty's justices of peace for the said county, at a special sessions held at in the hundred of in the said county, on the day of one thousand seven hundred having, upon view, found, that a certain part of a (*Highway, &c.*) within the (*Parish, &c.*) of in the said hundred, lying between and for the length of yards, or thereabouts, and particularly described in the plan hereunto annexed may be diverted and turned so as to make the same nearer (*or more commodious*) to the publick; and having viewed a course, proposed for the new highway, in lieu thereof, through the

the lands and grounds of _____ of the length of
yards, or thereabouts, and of the breadth of
feet or thereabout, particularly described in
the plan hereunto annexed, and having received evidence of the
consent of the said _____ to the said new highway
being made through his lands herein-before described by writing
under his hand and seal, we do hereby order that the said high-
way be diverted and turned through the lands aforesaid; and
we do order an equal assessment, &c. (*in the same form as before
mentioned.*)

N^o. XXII.

Consent from the owners of the land through which a
new highway is proposed to be made.

I *A. B.* of _____ in the county of _____ being
owner of the lands described in the plan hereunto annexed,
through which part of a certain highway, lying between
_____ and _____ is intended to be diverted and
turned, (in consideration of the sum of _____ to be paid
to me for the said land, and the soil thereof) or, (in considera-
tion of said old highway being sold, exchanged, and to be vest-
ed in me, and also of the sum of _____ to be
paid to me,) (*as the case may be,*) do hereby consent to the mak-
ing and continuing such new highway through my said lands.

Given under my hand and seal, this _____ day
of _____ 17

N^o. XXIII.

Licence from justices of peace, at a special sessions to get
materials for the repair of the highways in another
parish, besides that wherein such materials are to be
employed.

Middlesex. *At a special sessions, held at _____ for the*
(Hundred) of _____ in the said county, by justices
of the peace for the said county acting within the said (Hun-
dred,) on the _____ day of _____ 17

IT appearing to us, upon evidence, this day received, that
sufficient materials cannot conveniently be had within the
waste lands, common grounds, rivers, or brooks, nor in the
inclosed lands or grounds, lying within the (*Parish*, &c.) of *A.*
in the said (*Hundred*,) for the repair of the highways within the
said (*Parish*, &c.) nor in the waste lands, common grounds,
rivers, or brooks, within the (*Parish*) of *B.* adjoining to the said
(*Parish*, &c.) of *A.* we do hereby give our licence to the sur-
veyor for the said (*Parish*) of *A.* to search for, dig, get, and
carry sand, gravel, chalk, stone, and other materials, within the
in-

give my licence to the said surveyor to take and carry away the same accordingly.

Given under my hand and seal, the day of 17

No. XXV.

Notice to perform statute duty, (to be given four days before the day on which the duty is to be performed.)

A. B. you are hereby required to send a team, with two able men, to within the *parish, etc.* of next, If he does not occupy lands, &c. of the yearly value of 30 l. in such parish, &c. he is only to send one man. at o'clock in the morning of each day, in order to perform such duty upon the highways within the said as shall be required by the surveyor, pursuant to the direction of the act, passed in the thirteenth year of the reign of his majesty King George the Third, "For the amendment and preservation of the highways." (*When personal labour is required*), you are hereby required, by yourself, or a sufficient labourer to attend, etc.

If a waggon or a cart with two horses, or one horse only, is required, let it be expressed.

Dated this day of 17

No. XXVI.

Notice for compositions.

NOTICE is hereby given, That all persons who are inclined to compound for their statute-duty within the (*parish, etc.*) of are hereby required to signify their intention to compound for the same to the surveyor of the highways for the said (*parish, etc.*) at the house of of on the day of this instant November, between the hours of and and they are hereby required at the same time, or within the space of one month after, to pay their composition money to the said surveyor; and also, that all persons, who are liable to pay money for the lands, tenements, woods, tithes, and hereditaments, which they occupy, or, in lieu of their duty within the said (*parish, etc.*) according to the act made in the thirteenth year of his majesty King George the Third, "For the amendment and preservation of the highways," are required to pay the same to the said surveyor, on the day, or within the time aforesaid.

Dated this day of November, 17
A. B. surveyor.

No. XXVII.

Order for statute-duty to be performed in kind.

Middlesex. At a special sessions, held at in the (hundred) of in the said county, the day of 17 by justices of the peace for the said county, acting within the said (hundred).

IT appearing to us, from the information which we have received, that there will be difficulty in procuring the necessary (carriage), or, (a sufficient number of labourers) (as the case shall

shall be for the repair of the highways within the (*parish, &c.*) of within the said (*hundred*) without paying high and extravagant prices for the same, we do hereby order and direct (the team-duty within the said (*parish, &c.*) except such teams where the owners thereof do not occupy lands, tenements, woods, tithes, or hereditaments, within the said (*parish, &c.*) of the annual value of thirty pounds), or, (one half of the team-duty, &c.) or, (the labourers liable to perform statute-duty within the said parish, &c.) (as the case shall be) to perform their statute-duty in kind within the said (*parish, &c.*) according to the authority and directions of the act, passed in the thirteenth year of the reign of his majesty King George the Third, “For the amendment and preservation of the highways.”

No. XXVIII.

Notice to the surveyor of the times fixed by the inhabitants for being excused from doing their statute-duty.

To the surveyor of the highways for the (parish, &c.) of in the county of

I A. B. (*constable*) *headborough* *tithingman*), of the said (*parish, &c.*) do hereby give you notice, That the inhabitants of the said (*parish, &c.*) did, at a vestry or publick meeting, held on the day of one thousand seven hundred agree to take the benefit of the indulgence of three months, for not performing their statute-duty given by the legislature, in the act passed in the thirteenth year of the reign of his majesty King George the Third, “For the amendment and preservation of the highways,” at the times following; *videlicet*, That they shall not be called upon to perform such duty between the day of and the day of (which they consider as the seed month), nor between the day of and the day of (which they consider as the hay harvest month), nor between the day of and the day of (which they consider as the corn harvest month): [*The like notice to be given to the surveyor or surveyors of the turnpike roads, where there are any such within the (parish, &c.)*]

No. XXIX.

Order of the justices at their special sessions, for the repair of certain highways which most want repair.

Middlesex. *At a special sessions, held at in the (hundred) of in the said county, the day of 17 by justices of the peace for the said county acting within the said (hundred.)*
To the surveyors of the highways for the (parish, &c.) of in the said (hundred).

IT appearing to us, That the highway lying between
 and within your liberty, is very
 founderaus, and in bad repair, and being of great publick use,
 we do hereby order that you repair, or cause the same to be re-
 paired, before the day of next.
 Given under our hands and seals, this day
 of 17

N^o. XXX.

A precept for erecting guide posts, &c.

Middlesex. *At a special sessions, held at for the*
 (hundred) of in the said county, before justices
 of the peace for the said county, acting within the said (hun-
 dred), on the day of 17
To the surveyor of the (parish) of in the said
 (hundred).

YOU are hereby required forthwith to erect, or cause to be
 erected, in the most convenient place upon the highway
 lying between and within your
 liberty, where the roads cross or branch out, a guide-post, with
 proper inscriptions painted on both sides thereof, in large legible
 letters, denoting the towns of and
 (or other places, as the justices shall think most proper).

[Where graduated stones or posts are necessary to prevent accidents
 from deep waters, vary it as under:] [In the most convenient
 place upon the highway, at the approach or entrance on each
 side of the ford or water called at within your
 (liberty), graduated posts, denoting the depth of water in the
 deepest part thereof, through which such highway passes; and
 you are allowed to charge the reasonable expences of providing
 and erecting the same in your accounts].

A. B.
 C. D.

N^o. XXXI.

Notice for holding a vestry, or other publick meeting.

Notice is hereby given, That a vestry or publick meeting
 will be held at on the day of
 next, at the hour of in the
 noon, in order to consult about the times when it will be most
 convenient for the inhabitants of this (parish, &c). to be excused
 from being called forth to perform their statute-duty, according
 to the indulgence given them by the act, passed in the thirteenth
 year of the reign of his majesty King George the Third, "For
 the amendment and preservation of the highways."

Dated the day of 17
 A. B. (constable,) (headborough,) &c.

N^o. XXXII.

Presentment by a justice of peace.

Middlesex. **A**T the general quarter sessions of the peace of our lord the King, held for the said county, at in the said county, on (*Tuesday*) the day of in the year of the reign of before esquires, and others their companions, justices of our said lord the King, assigned to keep the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanours in the said county committed; *A. B.* esquire, one of the justices of our said lord the King, assigned for the purposes aforesaid, by virtue of an act, made in the thirteenth year of the reign of his majesty King *George* the Third, "For the amendment and preservation of the high-ways," (upon his own view), or (upon information, upon oath, to him given by *C. D.* surveyor of the highways for the (*parish*, &c.) of in the said county,) doth present, that from the time whereof the memory of man is not to the contrary, there was, and yet is, a certain common and ancient King's highway, leading from the town of in the said (*county*, &c.) towards and unto within the same (*county*,) used for all the King's subjects, with their horses, coaches, carts, and carriages, to go, return, and pass, at their will; and that a certain part of the same King's common highway, commonly called situate, lying and being in the (*parish*, &c.) of in the same (*county*), containing in length yards, and in breadth feet, on the day of in the year of the reign of and continually afterwards until the present day, was, and yet is, very ruinous, deep, broken, and in great decay, for want of due reparation and amendment, so that the subjects of the King, through the same way, with their horses, coaches, carts, and carriages, could not, during the time aforesaid, nor yet can go, return, or pass, as they ought and were wont to do, to the great damage and common nuisance of all the King's subjects through the same highway, going, returning, or passing, and against the peace of our said lord the King, and that the inhabitants of the (*parish*, &c.) of aforesaid, in the (*county*) aforesaid, the said common highway (*so in decay*) ought to repair and amend, when and so often as it shall be necessary.

In testimony whereof, the said *A. B.* to these presents hath set his hand and seal, this day of in the year aforesaid.

N^o. XXXIII.

This to be inserted where it is upon the information of the surveyor.

N^o. XXXIII.

Summons for any person or persons to attend a justice or justices.

Middlesex.

To A. B. of

WHEREAS complaint and information hath been made upon oath before me C. D. one of his Majesty's justices of the peace for the said (county, &c.) by E. F. of That, &c. [*Here state the nature and circumstances of the case as far as it shall be necessary to shew the offence, and to bring it within the authority of the justice, and in doing that, follow the words of the act as near as may be*]. These are therefore to require you personally to appear before me, (or the justices, to be assembled at their special sessions to be holden) at _____ in the said (county, &c.) on the _____ day of _____ next, at the hour of _____ in the _____ noon, to answer to the said complaint and information, made by the said E. F. who is likewise directed to be then and there present, to make good the same: herein fail not.

Given under my hand and seal, this _____ day of

17

N^o. XXXIV.

Information.

Middlesex. **B**E it remembered, That on the _____ day of _____ 17 _____ A. B. of _____ in the said county, informeth and maketh oath before me _____ one of his Majesty's justices of the peace for the said county, that _____ of _____ in the said county, [*Here describe the offence, and if it is for default in performing statute-duty, state the duty required, and the notice given for that purpose, and the neglect according to the fact, and as near the words of the act as may be*], contrary to the statute made in the thirteenth year of the reign of his majesty King George the Third, "For the amendment and preservation of "the highways," which hath imposed a forfeiture of _____ for the said offence.

A. B.

Taken and sworn, the }
day of _____ before me, }

N^o. XXXV.

Form of a conviction.

Middlesex. **B**E it remembered, That on the _____ day of _____ in the year of our Lord, 17 _____ at _____ in the county aforesaid, A. B. came before me C. D. esquire, one of his Majesty's justices of the peace for the said county, and informed me, that E. F. of _____ on the _____ day of _____ now last past, at _____ in the said county, did [*Here set forth the fact*]

R 2

fact in the manner described by the statute], whereupon the said *E. F.* after being duly summoned to answer the said charge, appeared before me on the day of at in the said county, and having heard the charge contained in the said information, declared, that he was not guilty of the said offence; but the same being fully proved upon the oath of *G. H.* a credible witness, it manifestly appears to me the said justice, that he the said *E. F.* is guilty of the offence charged upon him, in the said information: it is therefore considered and adjudged by me, the said justice, that the said *E. F.* be convicted, and I do hereby convict him of the offence aforesaid; and I do hereby declare and adjudge that he the said *E. F.* hath forfeited the sum of of lawful money of *Great Britain*, for the offence aforesaid, to be distributed as the law directs, according to the form of the statute in that case made and provided.

Given, &c.

This to be inserted where the party refuses to appear upon the summons.

After the words "Being duly summoned to answer to the said charge," *insert*, (did not appear before me, pursuant to the said summons); *or*, (did neglect and refuse to make any defence against the said charge, but the same being fully proved, &c.), *as before*.

This to be inserted when the party accused confesses the charge.

After the words, "contained in the said information, *insert*, (acknowledged and voluntarily confessed the same to be true, and it manifestly appears to me the said justice, &c.) *as above*.

N^o. XXXVI.

Warrant to distrain for the forfeiture.

Middlesex. *To the* (constable) headborough) *or* tithingman),

of
WHEREAS *A. B.* of in the said county, (*yeoman*) is this day convicted before me, *C. D.* esquire, one of his Majesty's justices of the peace in and for the said county, upon the oath of *G. H.* a credible witness, for that the said *A. B.* hath, [*Here set forth the offence, describing it particularly in the words of the statute, as near as may be*], contrary to the statute in that case made and provided, by reason whereof the said *A. B.* hath forfeited the sum of to be distributed as herein is mentioned, which he hath refused to pay: these are therefore, in his Majesty's name, to command you to levy the said sum of by distress of the goods and chattels of him the said *A. B.* and if within the space of four days next after such distress by you taken, the said sum, together with the reasonable charges of taking and keeping the same, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and out of the money arising by such sale, that you do pay one half of the said sum of to *E. F.* of who informed me of the said offence, and the other half of the said sum of to *J. K.* the surveyor of the highways, for the (*parish*) *township*) *or* *place*) where the said offence, (*neglected*)

This to be varied according to the act, in each particular case.

^{let}) or (*default*,) happened, to be employed towards the repair of the said highways, returning the overplus, upon demand to him the said *A. B.* (the reasonable charges of taking, keeping, and selling the said distress being first deducted); and if sufficient distress cannot be found of the goods and chattels of the said *A. B.* whereon to levy the said sum of
that then you certify the same to me, together with this warrant.

Given under my hand and seal, the day of

17

*C. D.*N^o. XXXVII.

Return of the constable to be made upon the warrant of distress, when there are no effects.

I *A. B.* constable of the (*parish*, &c.) of do hereby certify and make
in the (*county*) of oath, that, by virtue of this warrant, I have made diligent
search for the goods of the within named
and that I can find no sufficient goods whereon to levy the with-
in sum of as witness my hand, the
day of 17

A. B.

Sworn before me the day and
year, &c. *C. D.*

N^o. XXXVIII.

Warrant of distress for nonpayment of money charged by
an assessment.

Middlesex. *To the* (constable) headborough) tithingman) of
in the said (county).

WHEREAS by an assessment made upon the occupiers of
lands, tenements, woods, tithes, and hereditaments,
within the (*parish*, &c.) of in the said (*county*),
for the purposes of, &c., [*as stated in the justices' order*], pursuant
to an order of justices for that purpose, according to the direc-
tions of the act, passed in the thirteenth year of the reign of his
majesty King George the Third, "For the amendment and pre-
" servation of the highways," *A. B.* was charged the sum of
as his share and proportion of the said assessment, in
respect of the lands, tenements, woods, tithes, and heredita-
ments, which he occupied within the said (*parish*, &c.): and
whereas it appears to me, upon the oath of
that the said sum of hath been duly demanded
from the said *A. B.* and that he hath refused to pay the same
for the space of ten days after such demand made, these are
therefore, in his Majesty's name, to command you to levy the
said sum of by distress of the goods and chattels of
the said *A. B.* and if the same shall not be paid within the space
of four days next after such distress by you taken, together with
the reasonable charges of taking and keeping the same, that you
do then sell the said goods and chattels so by you distrained;
and out of the money arising by such sale, that you do pay un-

Anno decimo tertio GEORGII III. C. 78. [1773.]

to *C. D.* the surveyor of the highways for the said (*parish, &c.*)
 of the said sum of to be employed
 for the purposes aforesaid; and that you do return the surplus
 thereof to the said *A. B.* (the reasonable charges of taking, keep-
 ing, and selling the said distress, being first deducted); and if
 sufficient distress cannot be found of the goods and chattels of the
 said *A. B.* whereon to levy the said sum of
 that then you certify the same to me, together with this warrant.

Given under my hand and seal, the day of 17

N^o. XXXIX.

Commitment for want of distress.

Middlesex. *To the* (constable) *of* in the said
county, and to the keeper of the common gaol (or, the house of
correction) at in the said county.

WHEREAS *A. B.* of in the said county,
 (*yeoman*), was, on the day of con-
 victed before me, *C. D.* esq; one of his Majesty's justices
 of the peace in and for the said county, upon the oath of *E. F.*
 a credible witness, for that he, the said *A. B.* [*Here set forth*
the offence,] contrary to the statute made in the thirteenth year of
 the reign of his majesty king *George* the Third, "For the a-
 mendment and preservation of the highways," by reason
 whereof the said *A. B.* hath forfeited the sum of .
 And whereas, on the day of in the year
 aforesaid, I did issue my warrant to the (*constable*) of
 to levy the said sum of by distress and sale of the
 goods and chattels of him the said *A. B.* and to distribute the
 same according to the directions of the said statute: and where-
 as it duly appears to me, upon the oath of the said (*constable*),
 that the said (*constable*) hath used his best endeavours to levy the
 said sum on the goods and chattels of the said *A. B.* as afore-
 said, but that no sufficient distress can be had whereon to levy
 the same, these are therefore to command you, the said (*con-*
stable) of afore said, to apprehend the said *A. B.* and
 him safely to convey to the common gaol, (or, *house of correc-*
tion) at in the said county, and there deliver him to
 the keeper thereof, together with this precept; and I do here-
 by also command you, the said keeper, to receive and keep in
 your custody the said *A. B.* for the space of three months, un-
 less the said sum shall be sooner paid, pursuant to the said con-
 viction and warrant; and for so doing this shall be your suffi-
 cient warrant.

Given under my hand and seal, the
 day of in the year of our Lord 17

C. D.

*In the case of a commitment for the want of payment of money due
 by an assessment, it must be, (to receive, and keep in your custody,
 until he shall have paid the said sum of and the
 further*

further sum of being the costs and charges
occasioned by his neglect in paying the same).

N^o. XL.

Notice of appeal to the quarter sessions:

A. B. take notice, That I intend to appeal to the next general quarter sessions of the peace to be holden for the (county, &c). of against an order, (conviction, or other proceeding, as the case may be, particularly specifying the purport of such order, &c. and assigning the grievance, and cause of complaint.)

Dated the

day of

17

C. D.

C A P. LXXIX.

An act for the more effectual preventing the forging of the notes or bills of the governor and company of the bank of England; and for the preventing the obtaining a false credit, by the imitation of the notes or bills of the said governor and company.

WHEREAS frauds have lately been committed by forging the notes and bills of the governor and company of the bank of England, notwithstanding the statutes now in force for punishing and suppressing the same; for the more effectual preventing such practices, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty ninth day of September, which shall be in the year of our Lord one thousand seven hundred and seventy-three, if any person or persons, (other than the officers, workmen, servants, or agents, for the time being, of the said governor and company, to be authorized and appointed for that purpose by the said governor and company, and for the use of the said governor and company only), shall make or use, or cause or procure to be made or used, or knowingly aid or assist in the making or using; or (without being authorized and appointed as aforesaid) shall knowingly have in his, her, or their custody or possession, (without lawful excuse, the proof whereof shall lie upon the person accused), any frame, mould, or instrument, for the making of paper, with the words *Bank of England*, visible in the substance of such paper; or shall make, or cause or procure to be made, or knowingly aid or assist in the making any paper, in the substance of which the said words, *Bank of England*, shall be visible; or if any person, (except as before excepted) after the said twenty-ninth day of September, shall, by any art, mystery, or contrivance, cause or procure the said words, *Bank of England*, to appear visible in the substance of any paper whatsoever, or knowingly aid or assist in causing the said words, *Bank of England*, to appear in the substance of any paper whatsoever; every person so offending in any of the cases aforesaid, and being guilty of felony there-
Preamble.
After Sept. 29, 1773, persons making moulds, frames, &c. for forging paper notes of the bank of England, or having in their custody moulds or instruments for that purpose, to be adjudged there-

ny, and suffer thereof lawfully convicted, shall, for such offence, be deemed death. and adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy.

Persons engraving, cutting, or etching, in mezzotinto, notes to resemble inland bills, promissory notes, bills of exchange, &c.;

II. *And whereas unwary and other persons have taken in payment, and otherwise received, notes, inland bills, and bills of exchange, with certain words and characters so nearly resembling the notes and bills of the said governor and company, as to appear to such persons to be the notes or bills of the bank of England, which, if continued to be done, will be to the great prejudice of publick credit; be it therefore enacted, by the authority aforesaid, That from and after the said twenty-ninth day of September, if any person or persons without being authorised and appointed as aforesaid, shall engrave, cut, etch, or scrape in mezzotinto, or shall cause or procure to be engraved, cut, etched, or scraped in mezzotinto, or shall knowingly aid or assist in the engraving, cutting, etching, or scraping in mezzotinto, in or upon any plate or copper, brals, steel, pewter, or of any other metal or mixture of metals, or upon wood, or any other material, or any plate whatsoever, any promissory note, inland bill, or bill of exchange, or blank promissory note, inland bill, or bill of exchange, or part of a promissory note, inland bill, or bill of exchange, containing the words, *Bank of England*, or *Bank Post Bill*, or any word or words expressing the sum or amount, or any part of the sum or amount of such promissory note, inland bill, or bill of exchange, in white letters or figures on a black ground; or shall use any such plate so engraved, cut, etched, or scraped in mezzotinto, or shall use any other instrument for the making or printing any such promissory note, inland bill, or bill of exchange, or blank promissory note, inland bill, or bill of exchange, or part of a promissory note, inland bill, or bill of exchange; if any person, without being authorised and appointed as aforesaid, shall, after the twenty-fifth day of *December*, which shall be in the year of our Lord one thousand seven hundred and seventy-three, knowingly have in his, her, or their custody, any such plate or instrument, or shall knowingly and wilfully utter or publish any such promissory note, inland bill, or bill of exchange, blank promissory note, inland bill, or bill of exchange; every such person so offending in any of the cases aforesaid, and being convicted thereof according to law, shall be committed to the common gaol of the county or place where the offence shall be committed, for any space not exceeding six months.*

and after Dec. 25, shall wilfully publish such promissory notes, inland bills, &c.

shall be committed not exceeding six months.

This act not to extend to persons possessed of such notes carrying the same for payment.

III. Provided always, and it is hereby enacted, That nothing herein contained shall extend, or be construed to extend, to such person or persons who being at any time hereafter possessed of any such note or bill, shall only utter the same by carrying the same for payment to the issuer or issuers, drawer or drawers, acceptor or accepters, indorser or indorsers thereof respectively, or using proper means to compel the payment of any such note or bill.

C A P.

C A P. LXXX.

An act to repeal an act, made in the tenth year of the reign of his present Majesty, intituled, An act for the better preservation of the game within that part of Great Britain called England; and for making other provisions in lieu thereof.

WHEREAS by an act, passed in the tenth year of the reign of his present Majesty, intituled, An act for the better preservation of the game in that part of Great Britain called England, certain penalties and punishments were inflicted on persons killing and destroying game in the night, between one hour after sunset and one hour before sun-rise: and whereas some doubts have arisen concerning the construction of some parts of the said act, and some inconveniencies have followed therefrom; therefore, for obviating such doubts, and for remedying such inconveniencies, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, one thousand seven hundred and seventy three, if any person or persons shall knowingly and wilfully kill, take, or destroy any hare, pheasant, partridge, moor game, or heath game, or use any gun, dog, snare, net, or other engine, with intent to kill, take, or destroy, any hare, pheasant, partridge, moor game, or heath game, in the night, that is to say, between the hours of seven of the clock at night and six in the morning, from the twelfth day of October to the twelfth day of February, and between the hours of nine of the clock at night and four in the morning, from the twelfth day of February to the twelfth day of October, every such person, being convicted thereof, upon the oath or oaths of one or more credible witness or witnesses, before one or more justice or justices of the peace, acting for the county, riding, or place, where the offence shall be committed, shall forfeit and pay, for the first offence, any sum not exceeding twenty pounds, nor less than ten pounds; and for the second offence, any sum not exceeding thirty pounds, nor less than twenty pounds: but in case any information shall be made upon oath, as aforesaid, before any justice or justices, against any person offending against this act, and if it shall appear that such offender hath already been convicted of a first and second offence against this act; then, and in such case, such justice or justices shall and may commit such offender to the common gaol, or house of correction, for the county, riding, or place, there to remain till the next general quarter session of the peace for the said county, riding, or place, unless such offender shall have entered into a recognizance, with two sufficient securities, to appear at such general quarter session, then and there to be tried by indictment for the said offence; and also shall and may bind

Preamble.

Act 10 Geo. 3.

Rules to be observed, (after June 24, 1773) by persons killing or taking hares, pheasants, partridges, &c. or using a gun, dog, net, or engine.

How offenders are to be punished.

bind over the informer to prosecute the said offender by indictment as aforesaid: and the justices, at their said general or quarter sessions, shall and may direct the said indictment to be tried accordingly; and if upon such indictment such offender shall be convicted, he shall forfeit and pay in court the sum of fifty pounds: and in case he shall neglect or refuse to pay the said sum of fifty pounds, he shall be committed to the common gaol or house of correction, for such county, riding, or place, for any term not less than six nor more than twelve calendar months, unless such penalty shall be sooner paid; and such offender shall, if the justices think proper, be once publicly whipped for such offence at the expiration of such commitment, in the town or place where such gaol, or house of correction, shall be, between the hours of twelve and one of the clock in the day.

II. And be it further enacted, That the justice or justices before whom any offender shall be convicted as aforesaid, shall cause the said conviction to be made out in the manner and form following; that is to say,

Form of conviction.

BE it remembered, That on the *day of*
in the year of our Lord
A. B. is convicted before me *one of his*
Majesty's justices of the peace for the county of
 (specifying the offence, with the time and place where the same was committed, and also specifying that it was the first or second offence against this act, as the case shall be).
Given under my hand and seal the day and year aforesaid.

Which conviction the said justice shall cause to be fairly wrote over upon parchment, and returned to the next general quarter session of the peace for the county, riding, or place, where such conviction was made, to be filed by the clerk of the peace, and remain, and be kept among the records of the county.

Clerk to deliver a copy of conviction on payment of 1s.

III. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful for any clerk of the peace for any county, riding, or place, and he is hereby required, upon application made to him by any person or persons for that purpose, to cause a copy or copies of any conviction or convictions, filed by him under the directions of this act, to be forthwith delivered to such person or persons, upon payment of one shilling for every such copy.

Penalties and forfeitures how to be recovered.

IV. And be it further enacted by the authority aforesaid, That the pecuniary penalties and forfeitures hereby to be incurred and made payable upon any conviction, for a first and second offence against this act, and also for a third offence, upon conviction at the quarter sessions, as aforesaid, together with the costs and charges previous to and attending such conviction, to be ascertained by the justice or justices before whom any offender shall be convicted, shall be forthwith paid by the person convicted, one moiety of the forfeiture to the informer, and the other moiety to the poor of the parish or place where the offence shall be committed;

mitted: and in case such person shall refuse or neglect to pay the same, or to give security for the payment thereof, such justice or justices shall, by warrant under his or their hand and seal, or hands and seals, cause the same to be levied by distress and sale of the offender's goods and chattels, together with all costs and charges attending such distress and sale, returning the overplus (if any) to the owner; and it shall and may be lawful for such justice or justices to order such offender to be detained in safe custody, until return may conveniently be had and made to such warrant of distress, unless the party so convicted shall give sufficient security, to the satisfaction of such justice or justices, for his appearance before the said justice or justices, on such day as shall be appointed by the said justice or justices for the day of the return of the said warrant of distress, such day not exceeding seven days from the time of taking such security; which security the said justice or justices are hereby empowered to take by way of recognizance, or otherwise: but if upon such return no sufficient distress can be had; then, and in such case, the said justice or justices shall and may commit such offender to the common gaol, or house of correction, of the county, riding, or place, for the space of three calendar months, unless the money forfeited shall be sooner paid, or until such offender, thinking him or herself aggrieved by such conviction, shall give notice to the informer, that he or she intends to appeal to the justices of the peace, at the next general quarter session of the peace to be held for the county or place wherein the cause of complaint shall arise, and shall enter into recognizance before some justice or justices, with two sufficient securities, conditioned to try such appeal, and to abide the order of, and pay such costs as shall be awarded by the justices at such quarter sessions; which notice of appeal being not less than fourteen days before the trial thereof, such person so aggrieved is hereby empowered to give, and the said justices, at such session, upon due proof of such notice being given as aforesaid, and of the entering into such recognizance, shall hear, and finally determine the causes and matters of such appeal in a summary way, and award such costs to the parties appealing or appealed against, as they the said justices shall think proper; and the determination of such quarter sessions shall be final, binding, and conclusive to all intents and purposes whatsoever.

V. And be it further enacted, That all the provisions of the said recited act, shall be, and are hereby declared to be, repealed.

VI. And be it enacted by the authority aforesaid, That from and after the said twenty-fourth day of *June*, one thousand seven hundred and seventy-three, if any person or persons shall, upon a *Sunday*, or on *Christmas Day*, in the day-time, knowingly and wilfully take, kill, or destroy, any hare, pheasant, partridge, heath game, or moor game, or shall, upon a *Sunday*, or on *Christmas Day*, use any gun, dog, net, or engine, for taking, killing, or destroying, any hare, pheasant, partridge, moor game, or heath game; every such person, being convicted thereof, in the manner and form prescribed by this act, shall be subject to the like for-

Provisions of
10 Geo. 3.
repealed.

Penalties for
wilfully killing
game, or using
a gun on a
Sunday or
Christmas
Day.

forfeitures and penalties as are herein-before enacted to be inflicted for other offences against this act.

How penalties
for offences
committed are
to be recovered.

VII. And be it further enacted, That in case any person shall commit an offence against this act, whereby a penalty or punishment is incurred, and dwells in another county than in that in which the offence was committed, the justice or justices, before whom such information or indictment was had or made, may direct his or their warrant of apprehension, and of distress and sale, to any constable within such county, riding, or place, where the offence was committed, to be by him carried to the justice near residing to the place where the offender dwells in such other county, riding, or place, to be signed by him on the back of the said warrant, upon proof on oath of the hand-writing of the justice who first granted the warrant; which indorsement shall be sufficient authority for the constable of such parish or township where he dwells, or where his goods and chattels, or distress, are to be had and found, or for such constable who shall bring the said warrant to be indorsed, to apprehend and convey such offender before the justice who first granted the warrant, or any other justice or justices of that county where the offence was committed, or for such constable to levy such penalty, by distress and sale, in the same manner, and with the same powers, as might have been done if the person had lived in the county, riding, or place, where the offence was committed; and also, in case where no sufficient distress can be had or found, to convey the offender before the justice who first granted the warrant of distress, or any other justice or justices of that county where the offence was committed, to be dealt with according to law; and the justice of such other county who indorsed the warrant of distress or apprehension shall direct such constable, or other person taking and making such distress and sale, to deliver over any sums of money for penalties arising from such distress and sale to the justice of the county who first granted the warrant, to be by him distributed according to the meaning of this act: and in case such constable or other person shall neglect or refuse to pay such sums of money, or deliver over all proceedings had upon such distress and sale, or warrant of apprehension, such justice who first granted the warrant, or the justice who indorsed it, may commit such constable, or other person so refusing or neglecting to account for the sums of money received, or deliver over the proceedings so had thereupon, to the common gaol, or house of correction, for the space of six months, or until the money shall be paid, and the proceedings delivered over to the justice who first granted the warrant; or in case of his absence or death, to any other justice of the same county, to be by him distributed according to the true intent and meaning of this act: and that no action of trespass, false imprisonment, information, or indictment, or other action or appeal, shall be brought, sued, commenced, or prosecuted, by any person or persons whatsoever, against the justice of such other county who indorsed such warrant, for or by reason of his indorsing the same.

VIII. Pro-

VIII. Provided always, and be it further enacted, That no order made concerning any of the matters aforesaid, or any other proceedings to be had touching the conviction or convictions of any offender or offenders against this act, shall be quashed for want of form, or be removed by writ of *Certiorari*, or any other writ or process whatsoever, into any of his Majesty's courts of record at *Westminster*. Proceedings not to be quashed for want of form, nor removable by *Certiorari*.

IX. Provided also, That no person shall be proceeded against for any of the offences against this act, as aforesaid, unless information shall be made thereof upon oath before some justice of the peace for the county, riding, or place, wherein such offence shall be committed, within one calendar month after such offence shall be committed. No person to be proceeded against till information be made on oath.

C A P. LXXXI.

An act for the better cultivation, improvement, and regulation of the common arable fields, wastes, and commons of pasture, in this kingdom.

WHEREAS there are, in several parishes and places in this kingdom, several wastes and commons, and several open and common fields, which, by reason of the different interests the several land owners and occupiers, or persons having right of common, have in such wastes, commons, and fields, cannot be improved, cultivated, or enjoyed, to such great advantage for the owners and occupiers thereof, and persons having right of common, as they might be, and are capable of, if an improved course of husbandry was to be pursued, respecting such open and common fields, in each parish respectively, and such wastes, or commons of pastures, were to be properly drained, or otherwise amended; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That in every parish or place in this kingdom, where there are open or common field lands, all the tillage or arable lands lying in the said open or common fields shall be ordered, fenced, cultivated, and improved, in such manner, by the respective occupiers thereof, and shall be kept, ordered, and continued, in such course of husbandry, and be cultivated under such rules, regulations, and restrictions, as three-fourths in number and value of the occupiers of such open or common field lands in each parish or place, cultivating and taking the crops of the same, and having the consent of the owners in manner herein-after mentioned, and likewise the consent of the rector, impropiator or tithe owner, or the lessee of either of them respectively, first had in writing, shall, at a meeting, (in pursuance of notice for that purpose, in writing, under the hands of one-third of such occupiers, to be affixed on one of the principal doors of the parish church, chapel, or place, where meetings have been usually held for such parish or place respectively, twenty-one days, at least, before such meeting, specifying the time

Preamble.

How arable lands shall be fenced.

time

time and place of such meeting), by writing under their hands, constitute, direct, and appoint; and which notice any of such occupiers are hereby authorized and empowered to give.

Rules not to
be longer
binding than
6 years.

II. Provided always, That the rules, regulations, and restrictions, so agreed upon, shall not be in force, or binding upon any of the parties thereto, for any longer term than six years, or two rounds, according to the ancient and established course of each parish or place respectively.

Field master
how to be ap-
pointed.

III. And be it further enacted by the authority aforesaid, That at every such meeting to be had as aforesaid, it shall and may be lawful to and for the major part in number and value of the occupiers (then present) of such open or common field lands, in each parish or place respectively, to elect and chuse one or more proper person or persons as field master or field reeve, field masters or field reeves, to superintend the ordering, fencing, cultivating, and improving of such open and common fields, and to see that the same are kept, ordered, and continued, in such a course of husbandry, as shall be constituted, directed, and appointed, at such meeting, in manner aforesaid; and that such field master or field reeve, so to be elected and chosen as aforesaid, shall continue in the said office until the twenty-first day of *May*, then next following, or within three days after, and no longer, unless he or they shall be thereto re-elected and chosen in manner herein-after directed.

Expences how
to be defray-
ed.

IV. And be it further enacted by the authority aforesaid, That all costs, charges, and expences, necessary for the carrying on any such plan of ordering, fencing, cultivating, or improving, into execution, as shall be agreed upon in manner aforesaid, and which shall, at any meeting to be held after six days notice having been given in manner herein-before directed, by the major part in number and value of the occupiers aforesaid then present, be deemed common expences, and, for the general benefit of the said occupiers, shall be borne, paid, and defrayed, proportionably by all the occupiers of such open and common field lands, according to the value of the lands and grounds each person or persons shall have in such open and common field lands; and for the raising the same, one or more assessment or assessments, upon all and every the occupiers of common field lands in each parish respectively, shall be made, levied, and collected, by such person and persons, and allowed in such manner, as such majority of the occupiers of such open and common field lands, at such meeting to be had aforesaid, shall direct and appoint in that behalf; and the money thereby raised shall be employed and accounted for, according to the orders and directions of such majority of the occupiers of such common field lands, for and towards the better cultivation of the said common field lands, from time to time, as need shall require; and the said assessments shall, by virtue of a warrant under the hand and seal of one justice of peace of the county wherein such common field lands shall lie, be levied by distress and sale of the goods and chattels of every person so assessed and not paying the same, within ten days

days after demand, rendering the overplus of the value of the goods so distrained (if any) to the owner or owners of such goods and chattels, after deducting the costs and charges of taking and making such distresses and sale.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the occupiers of open and common field lands, in any parish or place where any rules, orders, or regulations, shall have been agreed upon, for the ordering, fencing, cultivating, or improving of such lands in pursuance of this act, and they are hereby required to meet and assemble at some convenient place, yearly, and every year, on the twenty-first day of *May*, or within three days after, in pursuance of six days notice to be given of the time and place of such meeting by one-third of the occupiers, in manner aforesaid, then and there to elect and chuse one or more proper person or persons to be the field master or field reeve, field masters or field reeves, for the year ensuing; and that such person or persons who shall, by the major part of the occupiers of the said lands, present at such meeting, be chosen field master or field reeve, field masters or field reeves, to superintend the ordering, fencing, cultivating, and improving of the said common field lands, and to see that the same are cultivated according to the rules, orders, and regulations, agreed upon at the general meeting for that purpose, and shall continue in the said office for one whole year, unless he shall die, or be removed, by virtue of the power and authority herein-after given in that behalf.

Occupiers of common field lands in every parish how to assemble and elect field reeves.

VI. Provided always, and be it enacted by the authority aforesaid, That if any field master or field reeve, so to be chosen in pursuance of this act, shall, within the year in which he shall be so chosen, refuse or neglect to attend the said business, or shall die, or remove to an inconvenient distance, or become bankrupt, or have execution against his body or goods, or by sickness, or otherwise, be rendered incapable of executing his said office; that then, and in either of the said cases, it shall and may be lawful to and for the occupiers of the said lands, (after six days notice for that purpose to be given in manner aforesaid), to elect and chuse, in manner aforesaid, one other fit and proper person to be the field master or field reeve for the remainder of that year, in the place and stead of the former field master or field reeve falling under either of the descriptions aforesaid.

New field reeves to be appointed in place of those who shall die, or refuse to attend.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for three-fourths in number and value of the occupiers of open and common field lands, present at any meeting to be held in pursuance of fourteen days notice at least, previous to the usual time of opening such common field lands, to be given for that purpose, in manner aforesaid, to postpone the opening such common field lands for such reasonable time as at such meeting shall be thought necessary by such majority as aforesaid, and to settle and determine how long such common fields shall continue open, and to limit and settle the number of cattle each occupier in such parish or place shall

Occupiers at meetings, to settle the time of opening common field lands.

respectively turn on such common fields, in due proportion to the stint or established usage in such parish or place.

Cottagers not to be excluded having right of common.

VIII. Provided always, nevertheless, and be it enacted by the authority aforesaid, That nothing in this act contained shall be construed to extend to exclude any cottager, or other person or persons whomsoever, having right of common, and having no land in any of the said common fields from having and enjoying his or their right of common, in as full and ample manner as he could and might have enjoyed the same before the passing of this act, unless such cottager, or other person, shall, at any meeting to be held by the occupiers of such common field lands, in manner aforesaid, consent or agree, in writing to a composition for such right, by an annual payment, or other annual advantage or compensation, or to a limitation thereof; in which case such consent and agreement shall be binding and conclusive upon every such person so agreeing, his heirs and assigns, tenants and occupiers, until such time as the rules, orders, and regulations, for the ordering, fencing, cultivating, and improving of the said common field lands, existing at the time of giving such consent, shall expire.

How common field lands may be enjoyed differently by occupiers.

IX. Provided always, nevertheless, and be it further enacted by the authority aforesaid, That if the occupiers of the said common field lands shall, at times when the said fields have been usually enjoyed in common, consent and agree not to depasture the same in common, and shall allot and set apart what shall be deemed by a majority of such cottagers, who shall not have agreed to compound for or limit their right of common, as aforesaid, a sufficient and equivalent common for such cottagers, and other persons, as aforesaid, to be enjoyed exclusively by them; that then, and in such case, such cottagers and other persons shall not use, exercise, or enjoy their right of common, over such parts of the said common field lands, as are not used in common by the occupiers thereof, but only over such part thereof as shall for such time be allotted them for that purpose, and set apart as aforesaid; any law, usage, or statute, to the contrary notwithstanding.

Saving of right to persons possessed of separate sheep walks, &c.

X. Provided always, and be it enacted by the authority aforesaid, That nothing herein contained shall exclude any person or persons seized or possessed of a separate sheep walk, or pasture of cattle, in or over all or any of the common field lands in any parish or place, or in or over any part thereof, from using, exercising, and enjoying, such right, in as full and ample manner, to all intents and purposes, as he might or could have enjoyed the same before the passing of this act, unless such person or persons, having such right as aforesaid, shall consent or agree in writing at any meeting of occupiers, to be held as aforesaid, to a composition for the same, or a limitation thereof; in which case, every such consent and agreement shall be binding and conclusive upon every person so agreeing, and upon every other person coming to the possession of such sheep walk or pasture for cattle, by descent, or otherwise, until such time as the rules, orders, and regulations,

for

for the cultivation of the said common field lands, existing at the time of entering into such agreement, shall expire.

XI. *And whereas balks, flades, or meers, which may be waste, do often lie very inconveniently interspersed amongst the arable lands in common fields, be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for any person or persons whomsoever, having land in any open or common fields adjoining to any such balks, flades, or meers, being waste, with the consent of the lord or lords, lady or ladies, of the respective manors wherein such balks, flades, or meers, do lie, and likewise of the person or persons who may have a separate sheep walk in the said fields, and with the consent of three-fourths in number and value of the occupiers of such common field lands, to be signified at any meeting to be held in manner aforesaid, to plow up any of the said balks, flades, or meers, and convert the same into tillage, under the regulations to be settled as aforesaid.

Balks, flades, &c. with consent of the lords, &c. may be plowed.

XII. Provided always, nevertheless, and be it enacted, That no balk or meer, that has heretofore been used as a publick road, or as a private road, by any person or persons, to or from his or their own house or lands, be so plowed up.

Balks, &c. used as roads not to be plowed.

XIII. Provided also, and be it further enacted by the authority aforesaid, That all and every person and persons, who shall have licence, in manner aforesaid, to plow up and convert into tillage, any balk, flade, or meer, shall, before he or they begin to plow up the same, lay down, in an husband-like manner, under the direction of the field master or field reeve for the time being, in a more convenient part of the said field, as much of his or their own land as shall be equal in value to the land he or they shall so have licence to plow as aforesaid; and that such land so laid down shall be common land, and so continue until the regulations then existing for cultivating such common field lands, shall expire.

Regulations to be observed by persons having a licence to plow balks, &c.

XIV. Provided also, and be it further enacted by the authority aforesaid, That the person or persons plowing any such balk, flade, or meer, shall, by proper bound stones, sufficiently mark and distinguish the several lands plowed, and the several lands laid down in lieu thereof, so that the property thereof, and each person's right therein, may be clearly known, and ascertained.

Boundary stones to ascertain every person's property may be erected.

XV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the lord or lords, lady or ladies, of any manor, with the consent of three-fourths of the persons having right of common upon the wastes and commons within his, her, or their manor, at a meeting to be held after fourteen days notice, such notice to be given in manner herein-before directed by the lord or lords, lady or ladies, of the manor, or their agent respectively, at any time or times, to demise or lease, for any term or number of years, not exceeding four years, any part of such wastes and commons, not exceeding a twelfth part thereof, for the best and most improved yearly rent that can by publick auction be got for the same; and that the clear net rents reserved to the lord or lords, lady or ladies, his, her, or their heirs, executors,

Lords of manors, &c. with consent of three-fourths of persons having right of common may lease a twelfth part of wastes,

and the net rents to be applied for

improving the
residue of
such wastes.

cutors, administrators, or assigns, by any lease or leases to be granted as aforesaid, shall be by him, her, or them, and the major part of his, her, or their tenants, applied in the draining, fencing, or otherwise improving of the residue of such wastes and commons.

Assessments to
be levied for
the improving
of wastes
where there
are stinted
commons.

XVI. Provided always, nevertheless, and be it enacted by the authority aforesaid, That in every manor where there are stinted commons, in lieu of demising or leasing part thereof, one or more assessment or assessments upon the lord or lords, lady or ladies, of such manor, and the persons being owners or occupiers of such commons, or their agents or managers, shall or may, at their option, be made, levied, and collected, by such person and persons, and allowed in such manner, as the lord or lords, lady or ladies, of such manor, and the major part in number and value of the owners or occupiers of such commons, present at a meeting to be held within the said manor, in pursuance of fourteen days notice to be given by the lord or lords, lady or ladies, or his, her, or their agent, in manner aforesaid, of the time and place of meeting for that purpose, shall direct and appoint in that behalf; and the money thereby raised shall be employed and accounted for, according to the orders and directions of the said lord or lords, lady or ladies, and such majority of the owners or occupiers, as aforesaid, in the improvement of such commons, from time to time, as need shall require; and the said assessments shall, by virtue of a warrant under the hand and seal of one justice of the peace, be levied by distress and sale of the goods and chattels of every person so assessed, and not paying the same within ten days after being demanded, rendering the overplus of the value of the goods so distrained (if any) to the owner and owners thereof, the necessary charges of making such distress and sale being first deducted.

Stinted com-
mons to be
opened at a
certain time
as owners, &c.
at a meeting
shall direct,

XVII. *And whereas there are, in many parts of this kingdom, certain stinted commons of pasture which are never enjoyed in severalty, but which are at certain times shut up for the better growth of the pasture, and opened on certain fixed days, from which, in particular circumstances and seasons, great inconveniences do and may arise;* be it enacted by the authority aforesaid, That it shall and may be lawful for the major part in number and value of the owners and occupiers of such common pastures, present at a meeting to be held after six days notice at least given, in manner herein-before directed, with the consent of the lord or lords, lady or ladies, of the manor, or his, her, or their steward or agent, to postpone the opening of the said common pastures for a time not exceeding twenty-one days.

Two-thirds
of commoners,
with consent
of the lord of

XVIII. *And whereas there are in many places common pastures, with stinted or limited rights of common therein, which are open the whole year, and it would be attended with great advantages to the commoners to shut up and unstock the same at particular seasons;* be it enacted by the authority aforesaid, That it shall and may be lawful to and for two-thirds in number and value of such commoners, at a meeting to be holden after fourteen days notice given in

manner herein-before directed, with the consent of the lord or lords, lady or ladies, of the manor or manors in which such commons are situated, his, her, or their steward or stewards, agent or agents, to direct, order, and fix, the time when such common pastures shall be broke or depastured, and when the same shall be shut up and unstocked; such orders to continue in force for one whole year, and no longer.

XIX. Provided nevertheless, That a portion of such common pastures shall be separated and set apart for the use of such commoners exclusively as shall not consent to such regulation, and the portion so set apart shall be adjudged by a majority of such commoners, not consenting as aforesaid, an equivalent for their rights of common.

XX. *And whereas many stinted common pastures in this kingdom are fed and depastured by horses, beasts or neat cattle, and in many instances it would tend to the improvement of such common pastures, and to the better manuring and cultivation of the arable lands in common fields, or otherwise, to which such common pastures may belong, if the same were fed with sheep;* be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the major part in number and value of the persons having right of common in such common pastures, at any meeting to be held in pursuance of notice, in writing, under the hands of a major part of such owners and occupiers of such common pastures, or persons having right of common therein, to be affixed on the principal door of the parish church of the parish where such common pastures shall lie, or of the nearest parish church where such lands shall lie in an extraparochial place, ten days at least previous to such meeting, specifying the time and place, and intent of such meeting, by writing under their hands, to alter and change the manner and custom of feeding and depasturing such common pastures, so far as instead of horses, cows, and other cattle, to allow the same to be fed and depastured with sheep, at the option of each person respectively having right of common; and to limit and stint the number of sheep each such person, having right of common in such common pastures, shall respectively feed and depasture thereon, in due proportion to their respective stints or rights.

XXI. *And whereas the improvement of the breed of sheep is a matter of great national importance, and the turning of rams upon wastes and open common fields at certain times of the year has been found to be very prejudicial;* be it therefore enacted by the authority aforesaid, That no ram shall be turned upon, or be suffered to remain upon, any wastes or common fields, between the twenty-fifth day of August and the twenty-fifth day of November in every year.

XXII. *And whereas several of the owners and proprietors of wastes, commons, and common field lands, may, at the time of any meeting to be held in pursuance of this act, be incapable, through various impediments, of entering into any of the agreements hereby authorised to be made, for the better ordering, fencing, cultivating, and improving, of common arable fields, wastes, and commons of pasture, in this*

the manor, &c. may direct the opening and shutting of common pastures, &c.

Proviso respecting persons not consenting to the above regulations.

Persons having right of common may depasture sheep instead of other cattle.

Rams not to remain upon wastes from Aug. 25. to Nov. 25.

Persons formerly under disability, under this act may sign agreements.

kingdom, without the aid and authority of parliament; be it therefore further enacted, That it shall and may be lawful to and for the husbands, guardians, trustees, committees, or known agent or receiver of any owner and proprietor of wastes, commons, and common field lands, and of any person having a right or interest therein, being under coverture, minors, lunaticks, or beyond the seas, and for every or any of them for the time being; and also to and for all and every or any of the said owners and occupiers, being tenants in tail, tenants by the courtesy of *England*, or tenants for life only, and to and for every or any of them respectively for the time being, to enter into, and sign any agreement to be made in pursuance of this act.

Rectors or tithe owners not to receive gratuity for letting tithes other than by half-yearly or yearly payments.

XXIII. Provided also, and be it further enacted by the authority aforesaid, That no rector or tithe owner, in right of his rectory, vicarage, or curacy, or the lessee of either of them respectively, who shall agree for or lett his tithes of the said common field lands, during the said term of six years, or any part thereof, shall receive any fine, foregift, gratuity, or compensation whatsoever, other than by equal half-yearly or yearly payments.

All agreements made to be valid in law.

XXIV. And be it further enacted, That every agreement so entered into in pursuance of this act, shall be good, valid, and effectual in the law, for the purposes thereby intended, notwithstanding the want of legal title in the said owner or owners, or in the said husbands, guardians, trustees, committees, agents, or receivers, or in the persons acting as such, or in the said tenants in tail, tenants by the courtesy of *England*, or tenants for life only, any settlement or settlements, will or wills, to the contrary in any wise notwithstanding.

Consent of occupiers not to be valid, without a written authority under the hand of the proprietor.

XXV. Provided always, and be it enacted by the authority aforesaid, That no consent of any occupier of lands in such common arable fields, or of a separate sheep walk therein, to any such first agreement, for the ordering, fencing, cultivating, and improving of such common fields, to be made by the authority of or in pursuance of this act, shall be good and valid, unless such occupier shall, at the time of entering into such agreement, produce a written authority for that purpose, under the hand of the owner or proprietor, guardian, or trustee; or in case of such owner not being a minor, and being in parts beyond the seas, of the known agent of such owner.

Actions may be brought at Westminster.

XXVI. And be it further enacted by the authority aforesaid, That if any owner or occupier of any common field lands, or of any part thereof, for the better cultivation whereof any rules and regulations shall have been agreed upon, in pursuance of the powers and authorities given by this act, shall not conform to such rules and regulations, or shall wilfully deviate therefrom in any respect whatsoever; that then, and in such case, it shall and may be lawful to and for any owner or owners, or occupier or occupiers, of any part of such common field lands, who may have been damnified by a breach of the regulations aforesaid, to bring one or more action or actions of trespass, or upon the case, in
any

any of his Majesty's courts of record at *Westminster* against the person or persons so offending; and if in any such action, so to be brought aforesaid, a verdict shall be given for the plaintiff, or he shall recover judgement by default; that then, and in such case, the party or parties so offending shall answer to the party grieved all such damages as shall be recovered in such action, together with double costs of suit.

XXVII. Provided, That nothing in this act contained shall prevent, or extend to prevent, any person or persons from inclosing all or any part or parts of his, her, or their land, to and for his, her, or their own use or benefit, such person or persons having full power or right so to do.

XXVIII. Saving always to the King's most excellent majesty, his heirs and successors, and to all and every lord or lords, lady or ladies, of any manor or manors, and to all and every other person and persons, bodies politick or corporate, his, her, and their heirs, successors, executors, and administrators, (other than and except the respective persons, their heirs, successors, executors, and administrators, who may, in consequence of this act being duly carried into execution, become subject to the provisions and regulations thereby authorised to be made,) all such estate, interest, and rights, as they, every, or any of them, had or enjoyed in and over the said common arable fields, wastes, and commons of pasture, before the passing of this act, or could or might have had and enjoyed in case the same had not been made.

C A P. LXXXII.

An act for the better regulation of lying-in hospitals, and other places, appropriated for the charitable reception of pregnant women; and also to provide for the settlement of bastard children, born in such hospitals and places.

WHEREAS, through the humane and benevolent assistance of well-disposed persons, many hospitals and places have been established for the charitable reception of pregnant women, which have afforded great relief in times of the utmost distress, and therefore merit every due support and encouragement; but some inconveniencies having been found to arise from the number of bastard children born in such hospitals and places, which have become heavy burdens, and have occasioned unreasonable charges upon those parishes wherein such hospitals and places have been instituted, to their great and unjust oppression: and whereas it would tend, as well to promote the interest of such hospitals and places as to give a seasonable relief to such parishes, if a law was made to regulate the settlement of such bastard children; may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of November, one thousand seven hundred and seventy-three, no hospital or place shall

No person is hereby prevented from inclosing his lands for his own use.

Saving all rights to his Majesty, lords of manors, &c.

After Nov. 1. 1773, no hospital to be established for the reception of pregnant women, unless a licence be obtained;

which licence the justices, at their quarter sessions, are empowered to grant.

shall be established, used, or appropriated, or continue to be used or appropriated, for the publick reception of pregnant women, under publick or private support, regulation, and management, in any parish within that part of *Great Britain* called *England*, unless a licence shall be first had and obtained, in manner hereafter mentioned, from the justices of the peace, at some one of their general quarter sessions to be held for the county, riding, division, city, or corporation, wherein such hospital or place shall be situated; and such justices are hereby authorised and required to grant such licence to any person or persons who shall apply for the same, such person or persons paying the sum of forty shillings for every such licence to the clerk of the peace of such county, riding, or division, or to the town clerk of such city or corporation, as a perquisite for his trouble, and as a fund to defray the expence of the stamp and parchment that shall be used for the grant of such licence.

Every licence to be stamped with a 5s. stamp, and signed by the justices.

II. And be it further enacted, That every such licence shall be written on parchment, and stampd with a five shilling stamp; and a copy thereof shall be entered in a book to be kept for that purpose by such clerk of the peace, or town clerk, and preserved as a publick register amongst the records of the county, riding, division, or of such city or corporation, as the case may be, to be inspected by any person or persons on payment of one shilling; and every such licence shall be signed by two or more such justices of the peace at their general quarter sessions, and shall intitle the person or persons to whom such licence shall be granted to keep one hospital, house, or place, and no more, for the publick or charitable reception of pregnant women.

Hospitals now or hereafter to be established for the reception of pregnant women, deemed within the intent of this act.

III. And be it further enacted, That as well all hospitals, houses, and places, already established, used, or appropriated, for the publick reception of pregnant women, and supported by charitable contributions, or otherwise, for the purposes of the delivery or lying-in of such pregnant women, as all other hospitals, houses, or places, that may hereafter be established, used, and appropriated, in like manner, for the like purposes, shall be deemed and taken to be hospitals and places within the true intent and meaning of this act.

Inscription to be affixed over the door of all hospitals.

IV. And, that it may be the more easily known what hospitals, houses, or places, shall have been licensed pursuant to this act, be it enacted, That there shall be fixed and kept up over the door, or publick entrance, of every such hospital, house, or place, an inscription, in large letters, in the following words; *viz* *licet*, LICENSED FOR THE PUBLICK RECEPTION OF PREGNANT WOMEN, PURSUANT TO AN ACT OF PARLIAMENT, PASSED IN THE THIRTEENTH YEAR OF THE REIGN OF KING GEORGE THE THIRD, and the affixing and keeping such inscription shall be a condition in every such licence; and in case such inscription shall not be fixed and kept over the door or publick entrance of such hospital, house, or place, such licence shall become null and void.

V. And be it further enacted by the authority aforesaid, That

no

no bastard child or children, born in any such hospital, house, or place, as aforesaid, shall be legally settled in, or shall be intitled to, any relief as a parishioner, from the parish wherein such hospital, house, or place, shall be situated; but every such child or children shall follow the mother's settlement, and shall immediately gain a settlement in the parish or parishes respectively, where his, her, or their mother or mothers were last legally settled; any law, statute, usage, or custom, to the contrary thereof, in any-wise notwithstanding.

VI. And be it further enacted by the authority aforesaid, That in case it shall become necessary to remove the mother of the child so born a bastard, and the child so born a bastard, or either of them, from the parish or place in which such hospital, house, or place, shall be situated, to the parish or place to which such woman shall belong, or where she shall have obtained her last legal settlement, such parish or place, being within twenty miles of such hospital, house, or place, to which she shall be so removed, shall be chargeable with, and liable to the payment of all charges and expences incident to or attending such removals; such charges and expences to be allowed and settled by any justice or justices of the peace, (who is and are hereby required to allow and settle the same,) in and for the county, riding, division, city, corporation, or place, in which the parish or place shall be situated, to which such mother and child, or either of them, shall be removed as aforesaid: and if such charges and expences, after being allowed and settled as aforesaid, and demand thereof made in writing, directed to the churchwardens or overseers of the poor of the parish to which such mother and child, or either of them, shall be removed, as aforesaid, shall not be paid within two days after such demand; then, and in every such case, it shall and may be lawful to and for any one or more of his Majesty's justices of the peace, in and for the county, riding, division, city, corporation, or place, in which the parish shall be situated, to which such mother and child, or either of them shall be removed, and he or they is and are hereby required, by warrant under his or their hand and seal, or hands and seals, to levy the same by distress and sale of the goods and chattels of the churchwardens or overseers of the poor making such refusal, as aforesaid, or on the goods and chattels of any or either of them.

VII. Provided always, and be it further enacted, That if any person or persons shall think himself or themselves aggrieved by such removal or distress had or made in pursuance of this act, every such person may appeal to the quarter session of the peace to be holden for the county, riding, division, city, corporation, or place, wherein he shall have suffered such grievance, within four months after the fact done, by which he shall think himself so aggrieved, such appellant first giving, or causing to be given, fourteen days notice at the least, in writing, of the intention to bring such appeal, and of the matter thereof, to the party or parties against whom such appeal is intended to be brought, and

Bastard children born in such hospitals not to be intitled to relief as a parishioner.

On the removal of the mother or child, the churchwardens of the parish are to pay all expences.

Appeal may be made to quarter sessions by persons aggrieved,

giving 14 days notice,

within two days next after such notice given entering into recognizance, with two sufficient sureties, conditioned to try such appeal, and to abide the order of, and to pay such costs as shall be awarded by the justices, at such quarter sessions; and the said justices shall then hear and determine the causes and matters of appeal in a summary way, and award such costs to the parties appealing or appealed against, as they the said justices shall think proper, and the determination of such justices so made shall be final, binding, and conclusive, to all intents and purposes whatsoever.

Parish officers
impowered to
apprehend the
fathers of any
bastard.

VIII. And be it further enacted, That all officers belonging to the parish wherein the mother of such child so born a bastard shall have been last legally settled, and all magistrates of the county, riding, division, city, corporation, or place, wherein such parish shall be situated, shall have power and authority to apprehend the reputed father of any such bastard child, to take security for the indemnity of the parish, and to punish the parents, and to do every other matter or thing relative to such case of bastardy, in the same manner, and with the same powers, as such magistrates or officers might or would have had in case such child had been born in such parish or place; any law or statute to the contrary thereof in any-wise notwithstanding.

Proviso.

IX. Provided always, That nothing in this act contained shall extend, or be construed to extend, to alter the law as it now stands relative to the settlement of any bastard child so born as aforesaid, in cases where the mother's settlement cannot be ascertained and determined.

Owners or
masters of
hospitals to
take the wo-
man, before
admitted to be
examined be-
fore a justice.

X. And be it further enacted by the authority aforesaid, That the owner, keeper, governor, master, secretary, clerk, or other person, who shall have, or to whom shall be intrusted the care, conduct, or management, of such hospital, house or place, shall, and he, she, or they, is and are hereby directed and required, before the admission of any pregnant woman into such hospital, house, or place, forthwith, (unless prevented by sickness,) to take, or cause to be taken, such woman before some justice of the peace in and for the county, riding, division, city, corporation, or place, where such hospital, house, or place, is situated, which justice is hereby directed and required to examine her upon oath, whether she is married or single: and in case such pregnant woman shall not be able, at the time of such admission, to go before such justice, and be examined as aforesaid; that then, and in every such case, it shall and may be lawful to and for the said owner, keeper, governor, master, secretary, clerk, or other person, as aforesaid, and he, she, or they, is and are hereby directed and required when and so soon as such woman shall be sufficiently recovered, to take, or cause to be taken, such woman before such justice, to be by him examined as aforesaid, any law, statute, usage, or custom, to the contrary thereof in any-wise notwithstanding: and all and every the particulars of such examination, taken upon oath as aforesaid, shall be entered in a book, to be provided and kept for that purpose by the owner,

er, keeper, governor, master, secretary, clerk, or other person, as aforesaid, and signed by the justice of the peace before whom such examination is taken, who is hereby directed and required to sign the same.

XI. Provided always, and be it enacted, That if any woman, on admission, into such hospital, house, or place, shall produce an affidavit, sworn by her before such justice of the peace for the city of *London*, or for the county, riding, division, city, corporation, or place, wherein such hospital, house, or place, shall be situated, that she is a married or single woman, as the case may be, which affidavit shall be kept and filed at every such hospital, house, or place; then, and in every such case, such woman shall not be liable or compellable by this act to go before any justice of the peace, or to be further examined on oath as to her marriage.

If the woman produce an affidavit that she is married, or single, she is not liable to go before the justice.

XII. And be it further enacted, That if any woman shall be delivered of a bastard child in such hospital, house, or place, such owner, keeper, governor, master, secretary, clerk, or other person as aforesaid, shall, four days at the least before any such woman shall be discharged, give, or cause to be given, a personal notice, or notice in writing, of such delivery, to be left at the usual place of abode of the overseer or overseers, churchwarden or churchwardens, of such parish or place, wherein such hospital, house, or place, shall be situated; and such overseer or overseers, churchwarden or churchwardens, or some or one of them, is and are hereby authorized and required, after such notice given, to attend at such hospital or place, within the time so notified as aforesaid, and shall convey every such woman before some justice of the peace of the county, riding, division, city, corporation or place, where such birth or births shall happen, who shall examine every such woman upon oath relative to her last legal settlement, and shall certify, in writing, to such overseer or churchwarden the whole of such examination, who shall cause the same to be deposited and kept amongst the books and papers belonging to such parish or place.

When any woman shall be delivered of a bastard, the owner of the hospital is to give four days notice before she is discharged to the overseers.

XIII. And be it further enacted, That if at any time such overseer or churchwarden shall, upon such attendance be informed by such owner, keeper, governor, master, secretary, clerk, or other person, that any such woman is not sufficiently recovered to be taken out and carried before such justice, such overseer or churchwarden shall wait till a further notice shall, in like manner, be given; and such notices, from time to time, shall be repeated as occasion may require; and every such overseer and churchwarden, who shall receive the same, is hereby required to pay due attention thereto.

Overseer attending, and being informed that such woman is not sufficiently recovered, shall wait till a further notice be given.

XIV. Provided always, and be it further enacted, That it shall and may be lawful for every such owner, keeper, governor, master, secretary, clerk, or other person, to keep, and detain in such hospital, house, or place, every such woman so delivered of a bastard child, till she shall be adjudged in a fit condition to be discharged, and until she shall have been examined

Every woman may be kept in the hospital till she be in a fit condition to be discharged, &c.;

before some justice of the peace, as aforesaid, with respect to the place of her last legal settlement.

but not to extend to keep any woman longer than six weeks, without her consent.

XV. Provided always, and be it further enacted, That nothing in this act shall extend, or be construed to extend to authorise or empower any person whatsoever to keep or detain in such hospital, house, or place, any woman so delivered of a bastard child for a longer time than six weeks after the birth of such child, unless it shall be done by her own free consent.

Owners, governors, &c. not complying with the directions of this act to forfeit 50 l.; and overseers, &c. neglecting or refusing to forfeit 10 l.

How penalties may be recovered and applied.

XVI. And be it further enacted, That every such owner, keeper, governor, master, secretary, clerk, or other person, as aforesaid, who shall wilfully neglect or refuse to comply with the directions of this act, shall forfeit and pay, for every such neglect or refusal, the sum of fifty pounds; and every such overseer or churchwarden who shall in like manner neglect or refuse to comply with the directions of this act, shall, for every such neglect or refusal, forfeit and pay the sum of ten pounds; which penalties or forfeitures shall be recovered, with full costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, by any person or persons who shall sue for the same; and such forfeitures and penalties, when recovered, shall be applied, one moiety to the use of the poor of the parish where such offence shall have been committed, and the other moiety to the person or persons who shall sue for and recover the same.

General issue.

XVII. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing by him or them done or executed in pursuance of this act, the defendant or defendants, in such action or suit, shall and may plead the general issue, and give this act, and the special matter, in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer, or otherwise; then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

Treble costs.

Actions when to be commenced.

XVIII. Provided always, That no such action or suit shall be brought by virtue and in pursuance of this act, unless the same be commenced within six calendar months after the offence committed.

Pub'ick act.

XIX. And be it further enacted, That this act shall be deemed a publick act; and as such taken notice of by all judges, justices, and other persons, without specially pleading the same.

CAP. LXXXIII.

An act for building a bridge across the river of Thames, from Richmond, in the county of Surrey, to the opposite shore, in the county of Middlesex, and to enable his Majesty to grant the inheritance of the ferry at Richmond to certain persons therein mentioned.

Preamble. Commissioners names. Qualification of commissioners. Penalty on acting, if not qualified: Place of commissioners meeting. Manner of adjourning. Commissioners to defray their own expences. Proceedings to be entered in books. New Commissioners to be elected by ballot. Commissioners may cause a bridge to be built of stone, across the river Thames, from Richmond to the opposite shore. Dimensions of the bridge. Commissioners to make a road through Twickenham Park. Dimensions of the road. The bridge to be free from taxes, and not to be a county bridge. Damaging the bridge, &c. deemed felony. Damage done by boats, &c. to be made good by the owners. Bodies corporate, &c. enabled to convey their estates to the commissioners. Lands, &c. if not agreed for, to be valued by a jury of the county. Jury to view the place in question if necessary. Verdict to be signed by five commissioners, present, and to be transmitted to the clerk of the peace. Where persons are intitled in remainder, the purchase-money to be settled accordingly. The sum adjudged as a satisfaction to be paid, or tendered, in a month after the verdict, or the adjudication to be void. If the sum adjudged be refused, &c. to be paid into the bank of England, in the name of the treasurer. Right of challenging the jury. Commissioners may fine sheriff for default in impanelling jury, and jurymen or witnesses for not attending. Fines to be levied by distress, &c. Richmond ferry. The bridge not to be built until the ferry be purchased by the commissioners. In case the commissioners and Mr. Holland cannot agree, the value to be tried by a jury of Surrey and Middlesex. In case no action be brought in six months after notice, the commissioners may summon a jury to ascertain the value. His Majesty enabled to grant the inheritance of the ferry. After obtaining a grant from his Majesty, &c. the ferry to be under the direction of the commissioners. Commissioners may erect a toll house, &c. The tolls. Tolls vested in commissioners. The manner of enforcing the payment of tolls. If the bridge shall receive damage, an occasional ferry may be set up. Proviso. Power to borrow money upon the tolls. Securities, &c. to be entered in a book. All creditors to be deemed equal in degree. When money borrowed and interest shall be repaid, and 5000*l.* vested in the funds for the support of the bridge, the tolls to cease. If the fund be reduced to 1000*l.* the tolls to be revived. Commissioners may appoint a clerk, &c. Collectors to account. Accounts to be delivered yearly to parliament. Collectors refusing to account, &c. for the money in their hands, the same may be levied by distress and sale of their goods. For want of sufficient distress, the offender to be committed. Bridge to be begun before June 1, 1778, and finished before June 1, 1783. This act not to prejudice the right of the mayor, &c. of the city of London. Limitation of actions. General issue. Treble costs. Commissioners writings to be free from stamp-duty. Publick act.

CAP. LXXXIV.

An act to explain, amend, and reduce into one act of parliament, the general laws now in being for regulating the turnpike roads in that part of Great Britain called England; and for other purposes.

WHEREAS the laws for the general regulation of the turnpike roads within that part of Great Britain called England are in some respects ineffectual, and require amendment: wherefore, for remedy thereof, be it enacted by the King's most excellent

Five or more trustees, at a general meeting, may order weighing engines to be erected;

and cause loaded carriages to be weighed at turnpikes or toll gates;

taking 20s. additional toll for every 100 wt. over the weights allowed.

cellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for all trustees appointed by any act or acts of parliament, for the repair of any turnpike road within that part of *Great Britain* called *England*, or any five or more of them, at some publick meeting, if they shall think proper, at any or as many gate or gates, bar or bars, as they have erected, or shall erect, for the receiving of any toll or tolls, or upon any part of the road within their respective jurisdictions, and at such a distance from any turnpike-bar or toll-gate as they respectively shall think requisite and expedient, to order and cause to be built or erected, a crane, machine, or engine, proper for the weighing of carts, waggons, or carriages, conveying of any goods or merchandise whatever; and, by writing, signed by them, or any five or more of them, to order all and every or any such carriage or carriages, which shall pass loaded through any such gate or bar, to be weighed, together with the loading thereof; and for them, or any five or more of them, or for any person or persons empowered by any five or more of them, to receive and take, over and above the tolls already granted, or hereafter to be granted, the sum of twenty shillings for every hundred weight of one hundred and twelve pounds to the hundred, which every waggon or cart hereafter described, together with the loading thereof, shall weigh, over and above the weights hereafter allowed to each of them respectively; (that is to say), To every waggon or four-wheel carriage, having the fellies or rollers of the wheels of the breadth of sixteen inches, eight tons in summer, and seven in winter; to every waggon or wain, having the axletrees thereof of such different lengths that the distance from wheel to wheel of the nearer pair of the said wheels be not more than four feet two inches, to be measured at the ground, and that the distance from wheel to wheel of the other pair thereof be such, that the fore and hind wheels of such waggons and wains shall roll only one single surface or path of sixteen inches wide at the least, on each side of the said waggons or wains, and having the fellies thereof of the breadth of nine inches from side to side at the bottom or sole thereof, six tons ten hundred in summer, and six tons in winter; to every waggon or four-wheeled carriage, having the sole or bottom of the fellies of the wheels of the breadth of nine inches, six tons in summer, and five tons ten hundred in winter; to every cart, having the fellies of the same dimensions, three tons in summer, and two tons fifteen hundred in winter; to every waggon, having the sole or bottom of the fellies of the wheels of the breadth of six inches, four tons five hundred in summer, and three tons fifteen hundred in winter; and to every such waggon so constructed as to roll and actually rolling a surface of eleven inches, by the wheels thereof, five tons ten hundred in summer, and five tons in winter; to every cart, having the fellies of the wheels of the same dimensions, two tons twelve hundred in summer, and

and two tons seven hundred in winter ; to every waggon, having the sole or bottom of the fellies of the wheels of less breadth than six inches, three tons ten hundred in summer, and three tons in winter ; and to every cart, having the fellies of the wheels of the same dimensions, one ton ten hundred in summer, and one ton seven hundred in winter ; and that for the several purposes aforesaid, it shall be deemed summer from the first day of *May* to the thirty-first day of *October*, both days inclusive, and winter from the first day of *November* to the thirtieth day of *April*, both days inclusive : which said additional toll or duty, hereby granted and made payable, shall and may be levied and recovered upon any person liable thereto, in any of the cases aforesaid, or his or her goods or chattels, who shall, after demand made thereof, refuse or neglect to pay the same, in such manner as any other toll or duty, payable at the same turnpike-gate or bar, is or shall be by law to be levied and recovered ; and the money arising from such additional duty shall be applied to the repair of the turnpike road where the same shall be collected.

Additional toll to be recovered as other tolls ;

and applied in repair of the road.

II. And be it further enacted, That the keeper of every such toll-gate or bar, where any such weighing engine shall be erected, or any other person appointed, or to be appointed, by the said trustees, or any five or more of them, to the care of such weighing engine, shall, and is hereby required to weigh all such waggons and carts liable to be weighed by virtue of this act, which shall pass loaded through such gates or bars respectively, and which he shall have reason to believe carry greater weights than are allowed to pass without paying the said additional toll : and if any gate-keeper, or person so appointed, shall permit any such waggon or cart to pass through any such toll-gate with greater weights than are hereby allowed, without weighing the same, and receiving such additional tolls, as aforesaid, he shall, for every such offence, forfeit the sum of five pounds.

Duty of toll-gate keepers.

Forfeiture for every offence is 5l.

III. And, in order to detect the said collector or receiver in any fraudulent connivance or neglect of duty in the matters aforesaid, be it further enacted, That it shall and may be lawful for any trustee, creditor, clerk, treasurer, or surveyor, of such turnpike road, if he shall suspect any such connivance or neglect, as aforesaid, to cause any carriage, liable to be weighed by virtue of this act, which shall have passed through any toll-gate where such weighing engine shall be erected, and shall not have passed above three hundred yards beyond such toll-gate, to return to such weighing engine, and be there weighed with the loading which passed through such gate, in the presence of such trustee, creditor, clerk, treasurer, or surveyor, upon requiring the driver thereof to drive such carriage back to such weighing engine, and upon paying or tendering to him the sum of one shilling for so doing ; which sum of one shilling shall be returned to the person paying the same, if upon weighing such carriage and loading, the same shall be found above the weight hereby allowed.

Trustees, &c. may cause carriages to be weighed, in order to detect connivance of collectors.

IV. And, for the better enforcing the authority of this act, the surveyors shall, and are hereby authorised and required to make convenient

Surveyors to make convenient

venient places
for turning
carriages,
where weigh-
ing engines
may be erect-
ed.

Drivers re-
fusing to turn,
shall forfeit
40 s.

Former acts
for repairing
turnpike
roads, further
continued, if
engines are
erected in
pursuance of
this act.

Not to extend
to waggons,
carts, &c.
employed in
husbandry.

Justices upon
complaint
made, may
order weigh-
ing engines to
be erected
when they
think proper.

venient places for turning such carriages upon every such turnpike road, where such weighing engine shall be erected, within three hundred yards of such toll-gate, on each side thereof, if the ground will admit of the same; and there shall be a list of the names of all the trustees and creditors, and also of the clerk, treasurer, and surveyor, of such turnpike road, put up in the house or building where such weighing engine shall be placed, to be inspected by the owner or driver of every such carriage; and if the driver of any such carriage, being so requested to return with his carriage to such weighing engine, shall neglect or refuse so to do, he shall forfeit the sum of forty shillings; and it shall and may be lawful for any peace officer, or other person or persons, being then present, upon such neglect or refusal, to drive and take such carriage back to such weighing engine, in order to be weighed as aforesaid.

V. And, in order to compensate for the expences of erecting such weighing engine, and to prevent any prejudice to the creditors who have lent, or shall lend their money upon the security of the tolls, be it further enacted, That all and every act and acts of parliament, made for repairing and amending turnpike roads, the trustees whereof shall within twelve calendar months after the commencement of this act have caused to be erected and used thereupon such weighing engine, pursuant to the direction and true intent and meaning of this act, shall be continued, and be in full force, for five years, to be computed from the several ends and expirations of all and every such act and acts respectively, and subject to all the tolls and duties, penalties, forfeitures, remedies, powers, authorities, clauses, rules, directions, payments, and provisions, respectively made, and enacted by any of the said act or acts of parliament, now or heretofore made, for repairing and amending turnpike roads.

VI. Provided always, and be it further enacted, That the regulations of weight herein-before mentioned shall not extend, or be deemed or construed to extend, to any waggons, carts, or other carriages, employed only in husbandry, or carrying only manure for land, hay, straw, fodder, or corn unthreshed; and that where lime or other manure is or shall, by any particular turnpike act, be permitted to pass through any turnpike-gate toll free, or upon paying less toll than is required to be paid for other goods, it shall be liable to be weighed at all weighing engines upon such turnpike road, together with the carriages in which such lime or manure shall be conveyed, and shall pay such additional toll for overweight as herein before directed.

VII. Provided also, and be it further enacted, That it shall and may be lawful for the justices of the peace, within the limits of every county, riding, division, hundred, or precinct, at any general quarter sessions of the peace, upon complaint made to them by any justice of the peace, or by any two creditors, or any two trustees of any turnpike road, within the said limits of which they are creditors, or trustees, that such turnpike road is much damaged by excessive weights being carried thereupon, and that no weighing engine hath been erected, or ordered by
the

the trustees of such turnpike road to be erected, upon the same, to summon the clerk, surveyor, and treasurer, of such turnpike road to appear before the said justices, at their then next general quarter sessions of the peace, to shew cause why a weighing engine or engines should not be erected at or near such gate or gates, upon such turnpike roads as shall be described in such summons; and if at such subsequent sessions the said clerk, surveyor, and treasurer, some or one of them, shall not appear before the justices at such sessions, or appearing, shall not shew sufficient cause to the said justices against the erecting of such weighing engine or engines, it shall and may be lawful for the said justices, if they think fit, at such quarter sessions, to order one or more weighing engine or engines to be erected upon such turnpike road, at such place or places as they shall think proper; a copy of which order shall be forthwith delivered to the clerk of such turnpike road; and the trustees thereof are hereby directed and required, at their next meeting, to be held after their clerk shall have been served with such copy of the order as aforesaid, to contract, or cause a contract to be made with some proper person or persons, for the making and erecting such weighing engine or engines with all convenient speed; and the treasurer of such turnpike road is hereby authorised and required to pay the expences attending the making and erecting of such weighing engine or engines out of the money which shall then be or next come into his hands from the tolls arising upon such turnpike road.

VIII. Provided also, and be it further enacted, That when two or more turnpike roads meet at or near the same place, it shall and may be lawful for the trustees of such turnpike roads respectively, at a meeting to be held for that purpose, to fix upon some convenient place to erect a weighing engine upon, which will accommodate all such turnpike roads; and, by agreement amongst themselves at such meeting, to proportion the expences which may attend the making, erecting, maintaining, and keeping such weighing engine, and likewise the money arising from forfeitures to be incurred for overweight at such weighing engine, amongst all such turnpike roads, in such manner as to them shall appear just and reasonable.

IX. And be it enacted, That it shall not be lawful for the trustees of any turnpike road, their lessee or lessees, to make composition for tools, for or in respect of any waggon, wain, cart, or carriage, or horses, or beasts of draught, drawing the same, unless such waggons, wains, carts, and carriages, have the fellies of the wheels thereof of the breadth or gauge of six inches, or more, any law to the contrary thereof notwithstanding.

X. And be it further enacted, That if any person or persons shall unload, or cause to be unladen, any goods, wares, or merchandises, from any cart, waggon, or other carriage, (except such carriages as are herein-before excepted), at, or before the same shall come to any turnpike-gate or weighing engine, erected

Where two or more roads meet, trustees may erect one weighing engine to accommodate them.

Trustees not to make composition for tolls, unless waggons, &c. have the fellies of wheels of six inches broad.

5l. penalty on unloading goods before coming to any gate or weighing engine.

erected by virtue or in pursuance of this or any other act, made for the repair or preservation of any turnpike road; or shall load or lay upon such carriage, (except as aforesaid), after the same shall have passed any such turnpike or weighing engine, any goods, wares, or merchandises, taken or unloaden from any horse, cart, or other carriages, belonging to, or hired, or borrowed by the same waggoner or carrier, in order to avoid the payment of the said respective duties of twenty shillings *per* hundred; or if any person shall so unload, in order to carry considerable quantities of goods through any turnpike-gate, in one and the same day, and thereby pay less toll at such turnpike-gate than would have been paid if such goods, wares, or merchandises, had not been so unloaden; each and every person so offending in any of the cases aforesaid, and being thereof lawfully convicted before one or more justice or justices of the peace for the limit where the offence shall be committed, upon the oath of one or more credible witness or witnesses, shall forfeit and pay the sum of five pounds; to be levied upon the goods and chattels of the owner of such cart, waggon, or other carriage; and each and every driver, not being the owner of such waggon or carriage, so offending, and being thereof convicted, as aforesaid, shall be committed to the house of correction for the space of one month.

Owners or drivers of waggons, &c. turning out of the road, to avoid being weighed, shall forfeit not exceeding 5*l.* nor less than 40*s.*

XI. And be it further enacted, That if the owner of any waggon, cart, or carriage, or other person, being the driver thereof, travelling on any turnpike road where any toll-gate or weighing engine is or shall be erected, shall drive or turn out of the same into any other road, in order to avoid being weighed, or to avoid the paying of toll, and shall afterwards proceed with such carriage into and on the same turnpike road, every such owner, or other person, convicted of such offence before one or more justice or justices of the peace for the limit where such offence shall be committed, upon the oath of one or more credible witness or witnesses, shall forfeit, if he be the owner, any sum not exceeding five pounds, nor less than twenty shillings; and if he be the driver and not the owner any sum not exceeding fifty shillings, nor less than ten shillings, upon conviction, for every such offence.

Regulations in the construction of the wheels of carriages travelling on roads above 20 miles from London.

XII. And be it further enacted, That no carriage, liable to be weighed by virtue of this act, shall pass along any turnpike road, being above twenty miles from the cities of *London* or *Westminster*, unless the same shall be made and constructed in such manner, that no pair of such wheels shall be wider than four feet six inches from inside to inside, to be measured on the ground, (except wheels having the soles of the fellys thereof of the breadth of nine inches, which shall be so constructed as to roll a surface of sixteen inches; and that the wider pair of such wheels shall not be more than five feet eight inches from inside to inside, to be measured on the ground), and that the distance from the centre of the fore wheel to the centre of the hind wheel of any waggon or four-wheeled carriage, not being used for the carriage

carriage of timber only, be not above nine feet, to be measured from the centre of the axletrees at the ends thereof, on pain of the owner or owners of every such waggon, wain, or cart, forfeiting the sum of five pounds for every such offence: and the Surveyors, &c. to measure
 Surveyor or surveyors, gate-keeper or gate-keepers, of any turnpike road, is and are hereby authorised and required, at any turnpike or toll-gate, or at any other place upon the turnpike road, to measure every such waggon, wain, or cart; and if any master or driver of any waggon, wain, or cart, shall hinder, or refuse to permit such surveyor or surveyors, gate-keeper or gate-keepers, to measure such waggon, wain, or cart, as aforesaid, he or she shall forfeit the sum of five pounds; and it shall not be lawful for any such waggon, wain, or cart, not permitted to be measured as aforesaid, to pass along any turnpike road.

XIII. And be it further enacted, That no waggon, wain, or other four-wheeled carriage, having the sole or bottom of the fellies of the wheels of the breadth or gauge of nine inches, shall pass or be drawn on any turnpike road with more than eight horses; nor any cart, or other two-wheeled carriage, having wheels of the breadth aforesaid, shall pass or be drawn upon any turnpike road with more than five horses; and that the horses in such respective carriages shall draw in pairs; (except an odd horse in any team, and except where the number of horses shall not exceed four;) and also that no waggon, wain, or other four-wheeled carriage, having the sole or bottom of the fellies of the wheels of the breadth of six inches, shall pass or be drawn on any turnpike road with more than six horses; and that no cart, or other two-wheeled carriage, having wheels of the breadth last mentioned, shall be drawn on any turnpike road with more than four horses; and also, that no waggon, wain, or other four-wheeled carriage, having the fellies of the wheels of less breadth than six inches, shall pass or be drawn on any turnpike road with more than four horses; and that no cart, or other two-wheeled carriage, having the fellies of the wheels of less breadth than six inches, shall pass or be drawn on any turnpike road with more than three horses; and the owner of every such waggon, wain, cart, or carriage, shall forfeit the sum of five pounds; and the driver thereof, not being the owner, the sum of twenty shillings, for every offence against the provisions aforesaid, to any person or persons who shall sue for the same.

XIV. Provided always, That all carriages moving upon rollers of the breadth of sixteen inches on each side thereof, with flat surfaces, are hereby allowed to be drawn with any number of horses, or other cattle.

XV. Provided always, and be it enacted, That no prosecution shall be commenced before a justice of peace, by way of information, for any forfeiture incurred by the owner or driver of any carriage having a greater number of horses therein than are allowed by this act, unless such information be laid within three days after the offence committed; and that no action shall be commenced for any such offence, unless the same be commenced

within three days after the offence is committed.

menced within one calendar month after the offence committed ; and that neither such information or action shall be laid or commenced, unless notice shall be given by the informer to the driver of every such carriage, on the day upon which the offence shall be committed, of an intention to complain of such offence ; and if it shall appear to the justice before whom such complaint shall be made, that the offender lives so remote as to make it inconvenient to summon him to appear before such justice, the justice may dismiss the complaint, and leave the informer to his remedy by action at law.

Waggons, &c. may be drawn by any number of horses, when an engine is erected, and the carriage weighed.

XVI. Provided always, and be it enacted, That it shall and may be lawful for any waggon, wain, cart, or carriage, to be drawn with any number of horses upon any turnpike road where a weighing engine shall be erected, provided such carriage shall be weighed at such engine : and in order that the owner or driver of every such carriage may be furnished with proper evidence of the facts above mentioned, if any prosecution should be commenced against him or them for using a greater number of horses than are allowed by this act, the person who shall have the care of such weighing engine shall, and is hereby required, on demand made by the driver of any such carriage, to give to such driver a ticket, certifying that such carriage was weighed, and the weight thereof, with the loading.

Penalty on taking off horses, or altering the distance of the wheels before coming to a gate.

XVII. And be it further enacted, That if any person or persons shall take off, or cause to be taken off, any horse or horses, or other beast of draught, from any waggon, or other carriage, or shall alter, or cause the distance of the wheels thereof to be altered, at or before the same shall come to any of the said gates or turnpikes, with intent to avoid any toll, forfeiture, or penalty, for drawing with a greater number of horses or beasts of draught, or in any other manner than hereby allowed, each and every person so offending, and being convicted thereof before one or more justice or justices of the peace for the limit where the offence shall be committed, upon the oath of one or more credible witnesses or witnesses, shall forfeit and pay the sum of five pounds.

Trustees may allow waggons with broad wheels to be drawn up hills with 10 horses ; and carts by six, &c.

XVIII. Provided always, and be it enacted, That if it shall appear to the trustees of any turnpike road, or any seven of them, at any of their publick meetings, by the oath of one or more witness or witnesses experienced in levelling, that any part of the rise of any hill upon such turnpike road shall be more than four inches in a yard ; in such case it shall and may be lawful to and for the said trustees, or any seven of them, to allow such number of horses as they shall judge necessary, not exceeding ten for waggons with nine inch wheels, nor six for carts with nine inch wheels ; and not exceeding seven for waggons with six inch wheels, nor five for carts with six inch wheels ; and not exceeding five for waggons with wheels of less breadth than six inches, nor four for carts with wheels of less breadth than six inches : and in case it shall appear to the said trustees, in manner aforesaid, that the whole rise of any hill taken together

ther shall be more than four inches in a yard upon an average, it shall and may be lawful for the said trustees, or any seven of them, to allow such number of horses as they shall think fit to be used in such waggons and carts respectively, for the purpose only of drawing the same up such hill or hills, as aforesaid, the length and extent of such hill or hills to be specified in such order of allowance, and the termination at each end thereof to be marked by a post or stone, to be erected, at such respective boundaries; and the said order of allowance shall be certified by the said trustees, or their clerk, to the next general quarter sessions of the peace, of the limit within which such hill or hills shall respectively be situated: and if the facts, upon which the same is founded, shall, at the said quarter sessions, be proved upon the oath of one or more credible witness or witnesses, to the satisfaction of the justices on the bench, or the major part of them, the said order of allowance shall be confirmed and filed among the records of the sessions by the clerk of the peace, or otherwise shall be vacated and quashed: and from and after such confirmation and filing, no person shall be liable to any penalty or forfeiture for using such number of horses as shall be so allowed in drawing any waggon or cart up such hill or hills respectively; and it shall and may be lawful for the said justices, at any subsequent quarter sessions of the peace, to re-consider the said order of allowance, and to discharge the same, if they think fit.

They may allow such number of horses as they think fit, up hills rising more than 4 inches in a yard, to be specified in the order of allowance.

XIX. Provided also, and be it further enacted, That if it shall appear, upon the oaths of credible witnesses, to the satisfaction of any justice or justices of the peace, or of any court of justice, authorised to enforce the execution of this act, that any waggon, cart, or carriage, could not, by reason of deep snow or ice, be drawn with the respective weights, and by the number of horses or beasts of draught hereby respectively allowed; then, and in every such case, it shall and may be lawful for such justice or justices of peace, or court respectively, and they are hereby respectively required, to stop all proceedings before them respectively for the recovery of any penalty or forfeiture which may have been incurred by drawing with a greater number of horses, or beasts of draught, than are hereby allowed; any thing herein contained to the contrary notwithstanding.

Exemption with respect to carriages drawing with an extraordinary number of horses through deep snow or ice.

XX. And whereas great damage is done to turnpike roads by waggons, and other carriages, with narrow wheels, drawn by horses in pairs; for remedy thereof, be it enacted, That it shall not be lawful for any waggon, wain, or cart, having the sole or bottom of the fellyes of the wheels thereof of less breadth or gauge than nine inches, to pass upon any turnpike road, or through any turnpike gate or bar, if the same shall be drawn by horses in pairs, (other than and except such waggons, wains, or carts, having the fellyes of the wheels thereof of the breadth of six inches, as shall be authorised to be drawn in any other manner by order of the trustees of any turnpike road within their district, made at a publick meeting, consisting of seven trustees,

Narrow wheel-ed waggons not to be drawn by horses in pairs.

trustees, or more; which order it shall and may be lawful for the said trustees to revoke at any subsequent meeting, and afterwards to make a new one, if they shall think fit, for the same purpose, and fixed in writing upon every toll-gate within such district, and except carriages drawn by two horses only.)

Penalty on drivers driving carriages contrary to the directions of this act,

not exceeding 5l.

Where extraordinary tolls have been granted, the trustees may mitigate them, in respect of four-wheel waggons, &c.

XXI. And be it further enacted, That in case any person or persons shall, upon any turnpike road, drive, or act as the driver or drivers of any waggon, cart, wain, or carriage, not being marked according to the directions of this act; or drawn by more than the number of horses, or beasts of draught, hereby respectively authorised; that then, and in every such case, it shall and may be lawful to and for any constable, tythingman, surveyor, or any other person, to apprehend and take, or cause to be apprehended and taken, such person or persons, so driving, or acting as driver or drivers, as aforesaid, before one or more justice or justices of the peace for the limit where the said offence shall be committed, and, upon conviction thereof, either by the confession of the party, or by the oath of one or more credible witness or witnesses before such justice or justices of the peace, every such person or persons so offending, shall respectively forfeit and pay, for every such offence, a sum not exceeding five pounds, nor less than ten shillings, at the discretion of the justice or justices before whom such offender shall be convicted.

XXII. *And whereas in and by several acts of parliament, made for amending and repairing particular turnpike roads, several high and extraordinary tolls are granted, and directed to be levied and paid for waggons, carts, and other carriages, drawn by more than a certain number of horses, or beasts of draught, therein respectively mentioned, with an intent, in effect, to prohibit the passage of such carriages, and thereby the better to preserve the said roads; now it is hereby further enacted, That it shall and may be lawful to and for the said trustees appointed, or to be appointed, in or by virtue of any act of parliament made for repairing and amending such particular roads, as aforesaid, or any five or more of such trustees respectively, within their respective districts, and they are hereby authorised and required, at the first meeting after the commencement of this act, to mitigate, lessen, and reduce the said high and extraordinary tolls and duties, for and in respect of such waggons, or other wheeled carriages only, having the wheels of the breadth or gauge of six inches, as aforesaid, in such manner as no greater toll or duty, in respect to waggons, be demanded or taken for the same than is provided and directed by the said acts respectively to be paid and taken for waggons, and other four-wheeled carriages, drawn by four horses, or beasts of draught; and that no greater toll or duty be demanded or taken for carts having the felines of their wheels of the breadth or gauge of six inches, than is provided and directed by such acts respectively to be taken for carts drawn by three horses; and the said trustees, within their respective districts, or any five or more of them respectively, are hereby authorised and required to give directions, in writing, to the*

the several collectors within such their respective districts, to take and receive such tolls and duties, and no other; any law or statute to the contrary notwithstanding.

XXIII. And be it further enacted, That the trustees appointed by virtue or under the authority of any act of parliament, made for repairing or amending turnpike roads, or such person or persons as are authorized by them, shall and may, and are hereby required, to demand and take, for every waggon, wain, cart, or carriage, having the fellies of the wheels thereof of less breadth or gauge than six inches from side to side at the least, at the bottom or sole thereof, and for the horses, or beasts of draught, drawing the same, one half more than the tolls or duties which are or shall be payable for the same respectively; and for every waggon, wain, cart, or carriage, having the fellies of the wheels thereof of less breadth or gauge than six inches from side to side, at the least, at the bottom or sole thereof, and for the horses, or beasts of draught, drawing the same, from and after the twenty-ninth day of September, one thousand seven hundred and seventy-six, double the tolls or duties which are or shall be payable for the same respectively, by any act or acts of parliament made for amending or repairing turnpike roads, before any such waggon, wain, cart, or carriage respectively, shall be permitted to pass through any turnpike gate or gates, bar or bars, where tolls shall be payable by virtue of any such acts.

One half more than the tolls are to be taken for narrow-wheeled waggons, &c.

and after 29 Sept. 1776, double these tolls,

XXIV. And whereas there are in several acts of parliament, for making, amending, and repairing turnpike roads, exemptions allowed from payment of tolls in particular cases therein respectively mentioned, and liberties are allowed in particular cases to pay less tolls than are charged upon other waggons, wains, carts, and carriages, passing through turnpike gates or bars: and whereas it will tend to the advantage and preservation of turnpike roads to confine such exemptions, liberties, privileges, and advantages, to carriages with wheels of the breadth or gauge of six inches, or upwards; be it therefore enacted, That no person shall, by virtue of the said acts of parliament, have claim, or take the benefit or advantage of any exemption from toll, or part of tolls, or to pay less toll for or in respect of any waggon, wain, cart, or other carriage, or horse drawing the same, and carrying any particular kind of goods, than other carriages of the like nature, carrying other goods, ought to pay, unless such waggon, wain, cart, or other carriages, have the sole of the bottom of the fellies of the wheels thereof of the breadth or gauge of six inches or upwards, (other than and except carts and carriages, employed in carrying corn, or grain in the straw, hay, straw, fodder, dung, lime for the improvement of land, or other manure, or any implements of husbandry only;) but that the toll required by the said acts respectively together with the additional tolls hereby required to be taken for or in respect of every such waggon, wain, cart, or other carriage, having the sole or bottom of the fellies of the wheels thereof of less breadth or gauge than six inches as aforesaid, and for and in

No exemption from toll by former acts to be claimed by any person, unless where carriages with six inch fellies are used.

Carts, &c. employed in husbandry excepted.

respect of horses, or beasts of draught, drawing the same, (except as before excepted,) shall be paid in the same manner, to all intents and purposes, as if no exemption, or less toll, had been enacted or allowed by any of the said acts respectively, and as fully as all other waggons, wains, carts, and carriages, and horses drawing the same, ought respectively to pay, which are not intitled to any exemption from toll, in the whole or part; or to pay a less toll than other waggons, wains, carts, and carriages; any law or statute to the contrary notwithstanding.

No benefit to be taken of exemptions, unless the fellows lie flat.

XXV. Provided, That no person or persons be allowed to take the benefit of any such exemptions, or to have the privilege herein-before given of compounding in respect of any carriage having the fellies of the wheels thereof of the breadth or gauge of six inches, or upwards, unless the fellies, and the tire upon such fellies, shall lie flat.

Waggons, &c. moving on rollers, of the breadth of 16 inches, on each side, with flat surfaces, to pass toll free for one year, and then after paying one half of the toll.

XXVI. Provided also, That all waggons, carts, or carriages, moving upon rollers, of the breadth of sixteen inches on each side thereof, with flat surfaces, shall be permitted to pass or be drawn upon any turnpike road toll-free, for the term of one year, to be computed from *Michaelmas*, one thousand seven hundred and seventy-three; and from and after the expiration of the said term, all such waggons, carts, or carriages, as aforesaid, shall pass upon any turnpike road, through any toll-gate or bar, upon paying only so much of the tolls and duties as shall not exceed one half of the full toll or duty payable by this or any turnpike act, for all waggons, wains, or carts, having the fellies of the wheels of the breadth or gauge of six inches from side to side, or for the horses or beasts of draught drawing the same, and not rolling a surface of sixteen inches on each side thereof; and that no more than half toll shall be paid in respect of waggons having the fellies of the wheels thereof of the breadth of nine inches, and rolling a surface of sixteen inches on each side thereof, from and after the commencement of this act; any thing herein contained to the contrary notwithstanding.

Carriages to which the act does not extend.

XXVII. Provided always, That nothing herein-before contained shall extend or be construed to extend, to any chaise-marine, coach, landau, berlin, chariot, chaise, chair, calash, or hearse, or to the carriage of such ammunition or artillery as shall be for his Majesty's service, or to any cart or carriage drawn by one horse, or two oxen, and no more; or to any carriage having the sole or bottom of the fellies of the wheels thereof of the breadth of nine inches, which shall be laden with one block of stone, one piece of marble, one cable rope, one piece of metal, or one piece of timber.

Penalty on persons fraudulently taking the benefit of any exemption, is not to exceed 5 l.

XXVIII. Provided also, and be it enacted, That if any person or persons shall take the benefit of any exemptions, under or by virtue of this or any other act made for the repair of any turnpike road, in any fraudulent or collusive manner whatsoever, such person or persons shall forfeit, for every such offence, a sum not exceeding five pounds, or less than forty shillings, at the discretion of the justice or justices before whom such offender shall be convicted,

XXIX. *And whereas, in and by several acts of parliament, made and passed for amending and repairing particular turnpike roads, there is no power, or no effectual power, given to the trustees to lessen the tolls, although such turnpike roads may be sufficiently, or in a great degree, amended and repaired, and all, or the greatest part of, the money borrowed upon the credit of any such acts, may have been paid and discharged; be it therefore further enacted, That it shall and may be lawful to and for the trustees appointed in and by virtue of any act of parliament now in force for repairing and amending such particular roads as aforesaid, or any seven or more of such trustees respectively, and they are hereby impowered, in any of the cases aforesaid, at a meeting to be held for that purpose, of which one calendar month's notice shall be given in writing, to be affixed on all turnpike gates which shall be then erected upon such respective roads, and in some publick newspaper circulated in that part of the country, from time to time, to lessen or reduce all or any of the tolls granted by any of the said respective acts, for and during such time as the said trustees, or any seven or more of them, shall think proper; and afterwards, at any meeting to be held as aforesaid, from time to time, if they shall see occasion, to advance all or any of the tolls so lessened to any sum or sums of money, not exceeding the several rates granted by such acts of parliament respectively.*

Trustees may reduce the tolls, at any publick meeting,

and afterwards to advance them again:

XXX. Provided nevertheless, That where the whole money borrowed on the credit of the tolls, granted by any such act, shall not have been paid and discharged, no such tolls shall be lessened or reduced without the consent of the person or persons intitled to five-sixths of the money remaining due upon such respective tolls.

Provided such alterations of the tolls be made with the consent of the creditors.

XXXI. *And whereas in and by several acts of parliament, made for repairing particular turnpike roads, there are no powers given to the trustees to let or farm out the tolls arising upon such roads, and in many cases where the particular acts have given such power, they are not executed and enforced in the most beneficial manner for such roads; for remedy whereof, be it further enacted, That it shall and may be lawful for the trustees of any particular turnpike act, or any seven or more of them, at a publick meeting, to let to farm the tolls of the several gates erected upon their respective turnpike roads, in the manner herein-after mentioned, although no exprefs power shall have been given by such turnpike act for that purpose; and that whenever any tolls shall hereafter be let to farm, by virtue of the powers given by this or any other act or acts of parliament, the following directions shall be observed; (that is to say,) the trustees shall cause notice to be given of the time and place for letting the same at least one month before the day to be appointed for that purpose, by fixing the same upon every toll-gate belonging to such turnpike road, and also upon the market-crofs of the market town nearest to the place where the said tolls are to be let, and also in some publick newspaper circulated in that part of the country, and specifying in every such notice the sum which the said tolls produced in the*

Power for justices to farm out the tolls,

under particular directions and restrictions,

to the best
bidder.

The last bidder to be the farmer of the tolls.

If the farmer of tolls takes a greater or less toll than allowed, he forfeits 5 l. and also his contract; if he is not the farmer he forfeits 40 s.

All statute-duty to be performed in the parish, &c. where it arises.

If more turnpike roads than are in the same parish, and the statute duty required to them exceeds three days, the justices may adjust the proportions.

preceding year, clear of the salary for collecting the same, in case any hired collector was appointed, and that they will let such tolls, by auction to the best bidder, on his producing sufficient sureties for payment of the money, monthly or quarterly, as shall be required by the trustees; and that they will be put up at the sum which they were let for or produced in the preceding year, clear of the salary of the collector; and to prevent fraud, or any undue preference in the letting thereof, the trustees are hereby required to provide a glass with so much sand in it as will run from one end of it to the other in one minute; which glass, at the time of letting the said tolls, shall be set upon a table, and immediately after every bidding the glass shall be turned, and as soon as the sand is run out, it shall be turned again, and so for three times, unless some other bidding intervenes: and if no other person shall bid, until the sand shall have run through the glass for three times, the last bidder shall be the farmer or renter of the said tolls, and shall forthwith enter into a proper agreement for the taking thereof and paying the money at the times specified in such notice, or as shall be agreed upon between him and the trustees; and in case no bidder shall offer, the said trustees may appoint a collector of such tolls, or fix some future day for the letting thereof, as they shall judge most proper, upon giving such notice thereof as aforesaid, and shall and may, in that case, put them up at such sum as they shall think fit: and if the person or persons who shall be the farmer or renter of such tolls shall take a greater or less toll from any person or persons than what are authorized or directed by this or the particular turnpike act, he or they shall, for every such offence, forfeit the sum of five pounds, and shall also forfeit the said contract for renting the tolls, if the said trustees shall think fit to vacate the same; and every other gatekeeper authorized to collect the tolls, who shall take a greater or less toll than as aforesaid, shall, for every such offence, forfeit the sum of forty shillings.

XXXII. And be it further enacted, That the surveyors of all turnpike roads shall cause the statute-duty required by the respective turnpike acts, and the compositions arising from the same, to be performed, laid out, and expended, upon the turnpike road lying within the parish, township, or place, from which such duty shall be required, and not elsewhere, and shall forfeit the sum of forty shillings for every misapplication thereof; and that where there are two or more turnpike roads under several acts of parliament within the same parish, township, or place, and the statute-duty directed by all such acts to be taken or applied for the repair of such turnpike roads within such parish, township, or place, shall exceed three days duty in the whole; then, and in such case, it shall and may be lawful for two or more justices of the peace of the limit where such turnpike roads shall be, and they are hereby required, at some special sessions, to adjust and proportion the statute-duty betwixt such turnpike roads and the other highways in such parish, township,

ship, or place, in such manner as they shall think fit, having regard to the extent and condition of the said several roads and highways; and also to the tolls and revenues arising from such turnpike roads respectively, the said justices previously summoning the clerks and surveyors of such turnpike roads and likewise the surveyors of the highways, for such parish, township, or place, who are hereby respectively required to attend the justices upon such summons.

XXXIII. And be it further enacted, That when the inhabitants of any parish, township, or place, shall be indicted or presented for not repairing any highway, being turnpike road, and the court before whom such indictment or presentment shall be preferred shall impose a fine for the repair of such road, the same shall be proportioned, together with the costs and charges attending the same, between the inhabitants of such parish, township, or place, and the trustees of such turnpike road, in such manner as to the said court, upon consideration of the circumstances of the case, shall seem just; and it shall and may be lawful for such court to order the treasurer of such turnpike road to pay the sum so proportioned for such turnpike road out of the money then in his hands, or next to be received by him, in case it shall appear to such court, from the circumstances of such turnpike debts and revenues, that the same may be paid without endangering the security of the creditors who have advanced their money upon the credit of the tolls to be raised thereupon; which order shall be binding upon such treasurer, and he is hereby authorized and required to obey the same.

XXXIV. Provided always, and be it further enacted, That no toll-gate shall hereafter be erected on the side of any turnpike road, unless the same be ordered by the trustees, at a meeting, of which twenty-one days publick notice shall have been given in writing, affixed upon all the toll-gates erected on such roads, and also in some publick news-paper circulated in that part of the country, specifying the place where such side-gate is proposed to be erected, and unless nine trustees at least (being a majority of those present) shall sign the said order at such meeting; and that no person shall be liable to pay toll at any toll-gate erected, or to be erected, across or on the side of any turnpike road, or be subject to any penalty for any carriage, horse, or beast, which shall only cross such road, and shall not pass above one hundred yards thereon, except over some bridge, erected at a considerable expence by the trustees of such turnpike road; any thing in this or any other act of parliament contained to the contrary thereof in any-wise notwithstanding.

XXXV. And be it further enacted, That if any person or persons shall agree to advance any sum or sums of money, to be employed in the making or repairing any turnpike road, or highway intended to be made turnpike, and shall subscribe his, her, or their name or names to any writing for that purpose, every such person shall be liable to pay every sum or sums of money so subscribed, according to the purport of such writing; and

Where turnpike roads are indicted, the court may proportion the fine and costs between the inhabitants and the trustees,

without endangering the security of the creditors.

No side gate to be erected unless at a publick meeting, after notice given, and by order signed by the trustees.

No toll to be paid unless the carriages, horses, &c. pass 100 yards upon the road, or over a bridge erected by the trustees.

Payment of money subscribed for making or repairing turnpike roads, how to be enforced,

and in default of payment thereof within twenty-one days after the same shall become payable, according to the purport of such writing, and shall be demanded by the person to whom the same is made payable by such writing; or if no person be named therein for that purpose by the treasurer of such turnpike, or intended turnpike road, it shall and may be lawful for every such treasurer, or other person, to sue for and recover the same, in any of his Majesty's courts of record, by action of debt, or on the case, bill, suit, or information, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed.

Surveyor to get and carry away materials by contract, after publick notice given.

XXXVI. And be it further enacted, That on every turnpike road where a sufficient quantity of stone, gravel, chalk, or other materials, cannot be provided and carried by the labourers and teams required to perform statute-duty upon the same, the surveyor, with the approbation of the trustees of such road, shall, and is hereby required to contract for the getting and carrying thereof, at some time and place to be fixed for that purpose, of which ten days notice in writing shall be given, by fixing the same on the door of the church or chapel of such parish, township, or place, or, if there be no church or chapel, at the most publick place there, which notice shall specify the work to be done, and the time and place for letting thereof: and if any surveyor shall have any part, share, or interest, directly or indirectly, in any such contract, or in any other contract or bargain, for work or materials, to be made, done, or provided, upon, for, or on account of any of the highways, roads, bridges, or other works, under his care or management; or shall, upon his own account directly or indirectly, let to hire any team, or sell or dispose of any timber, stone, or other materials, to be used or employed in making or repairing such roads, bridges, or other works, as aforesaid, unless a licence in writing for the sale of any such materials, or for letting to hire any such team, be first obtained from the said trustees; he shall forfeit, for every such offence, the sum of ten pounds, and be for ever after incapable of being employed as a surveyor, under the authority of this or any other act of parliament.

Surveyor to have no share in the contract, nor to sell materials, or hire out any team.

If surveyor suffers earth, rubbish, or stores to lie 4 days within 10 feet of the centre of the road, he forfeits 40 s.

XXXVII. And be it further enacted, That if the surveyor or surveyors, or other person or persons, having the care of any turnpike road, shall knowingly suffer to be or remain, for the space of four days, in any part thereof, within ten feet on either side of the middle of such road, any post or posts, heap or heaps of stones, rubbish, or earth, set up, or raised in or above the surface of the said road, by which the passage thereof shall or may be obstructed, impeded, confined, or straitened, (other than and except posts, blocks, stones, or banks of earth, fixed in the ground, or raised for securing horse or foot roads, or passages for water, and also direction-posts and stones), such surveyor, or other person, shall forfeit the sum of forty shillings.

XXXVIII. *And whereas inconveniencies have arisen from making hedges, or other fences, and from ploughing or breaking up the soil of lands or grounds, near the middle or centre of turnpike roads; for remedy*

medy thereof, be it further enacted, That if any person shall in-
croach, by making, or causing to be made, any hedge, ditch, or
other fence, on any turnpike road, within the distance of thirty
feet from the middle or centre thereof; or shall plough, harrow,
or break up the soil of any land or ground; or in ploughing or
harrowing the adjacent lands, shall turn his or their plough or
harrow in or upon any land or ground within the distance of
fifteen feet from the middle or centre of any turnpike road, made
or to be made; every person so offending, shall forfeit, for every
such offence, forty shillings, to such person as shall make infor-
mation of the same: and it shall be lawful for the trustees who
have the care of any such road, or any five or more of them, to
cause such hedge, ditch, or fence, to be taken down or filled up,
at the expence of the person or persons to whom the same shall
belong; and it shall and may be lawful for any one or more ju-
stice or justices of the peace of the limit where such offence shall
be committed, upon proof thereof to him or them made upon
oath, to levy as well the expences of taking down such hedges
as aforesaid, as the severall and respective penalties hereby im-
posed, by distress and sale of the offenders goods and chattels,
rendering the overplus to the owner on demand.

Persons mak-
ing incroach-
ments within
30 feet of the
centre of the
road, or
ploughing
within 15
feet thereof,
forfeit 40 s.

Trustees may
cause the same
to be removed
at the expence
of the offend-
er.

XXXIX. And whereas in some places it hath been and may be
found necessary, and the trustees of all turnpike roads are hereby au-
thorised and required, to secure, or cause to be secured, horse causeways,
and foot causeways, to travel upon, in publick highways, by posts,
blocks, or great stones fixed in the ground, or by banks of earth cast up,
or otherwise, from being broken up and spoiled with waggons, wains,
carts, or carriages; and forasmuch as several evil-disposed persons do
or may wilfully or wantonly pull up, cut down, and remove or damage
the said posts, blocks, and great stones, so fixed, or to be fixed, as afore-
said, and drive carriages upon such banks and causeways, or against
the sides thereof, and also dig or cut down the said banks, which are
the securities and defence of the said causeways, whereby the causeways
or banks are often ruined and destroyed; and such evil-disposed per-
sons do or may break, damage, or throw down the stones, bricks, or
wood, fixed upon the parapets or battlements of bridges, and do or may
pull down, destroy, obliterate, or deface, any mile-stone or post, gra-
duated or direction post or stone, erected or to be erected, upon any
turnpike road: for prevention thereof, be it enacted, That every
person who shall be guilty of any such offence, shall, upon com-
plaint thereof made to any justice of the peace of the limit where
the same shall be proved to be done, by the oath of any one cre-
dible witness, or upon view of the justice himself, forfeit, for
every of the said offences, any sum not exceeding five pounds,
nor less than ten shillings; and in default of payment thereof,
shall be committed to the house of correction of such limit,
there to be whipped and kept to hard labour, for any time not
exceeding one calendar month, nor less than seven days, at the
discretion of such justice, unless the same be sooner paid.

Persons de-
stroying or
damaging
mile-stones
or posts, &c.
set up to se-
cure cause-
ways, battle-
ments of
bridges, &c.

forfeits not
exceeding 5l.
nor less than
10 s.

XL. And whereas many bad accidents happen, and great mischiefs
are frequently done upon the streets and highways, being turnpike roads,

Any driver
not attending
his carriage,
or wilfully
misbehaving,

forfeits, if not
the owner of
the carriage,
not exceeding
10 s.

and if the
owner, not ex-
ceeding 20 s.

and may be
apprehended
without war-
rant.

by the negligence or wilful misbehaviour of persons driving carriages thereon; be it therefore enacted, That if the driver of any cart, car, dray, or waggon, shall ride upon any such carriage, in any street or highway, not having some other person on foot, or on horseback, to guide the same, (such carriages as are conducted by some person holding the reins of the horse or horses drawing the same excepted;) or if the driver of any carriage whatsoever, on any part of any street or highway, shall, by negligence or wilful misbehaviour, cause any hurt or damage to any person or carriage passing or being upon such street or highway; or shall quit the highway, and go on the other side the hedge or fence inclosing the same; or wilfully be at such distance from such carriage, or in such a situation, whilst it shall be passing upon such highway, that he cannot have the direction and government of the horses or cattle drawing the same; or shall, by negligence or wilful misbehaviour, prevent, hinder, or interrupt the free passage of any other carriage, or of his Majesty's subjects, on the said highways; or if the driver of any empty or unloaded waggon, cart, or other carriage, shall refuse or neglect to turn aside and make way for any coach, chariot, chaise, loaded waggon, cart, or other loaded carriage; or if any person shall drive, or act as the driver of, any such coach, post chaise, or other carriage, let for hire, or waggon, wain, or cart, not having the owner's name, as hereby required, painted thereon; or shall refuse to discover the true christian and surname of the owner of such respective carriage; every such driver so offending in any of the cases aforesaid, and being convicted of any such offence, either by his own confession, the view of a justice of peace, or by the oath of one or more credible witnesses or witnesses, before any justice of the peace of the limit where such offence shall be committed, shall, for every such offence, forfeit any sum not exceeding ten shillings, in case such driver shall not be the owner of such carriage; and in case the offender be the owner of such carriage, then any sum not exceeding twenty shillings; and in either of the said cases, shall, in default of payment, be committed to the house of correction for any time not exceeding one month, unless such forfeiture shall be sooner paid; and every such driver offending in either of the said cases, shall and may, by authority of this act, with or without any warrant, be apprehended by any person or persons who shall see such offence committed, and shall be immediately conveyed or delivered to a constable, or other peace officer, in order to be conveyed before some justice of the peace, to be dealt with according to law; and if any such driver, in any of the cases aforesaid, shall refuse to discover his name, it shall and may be lawful for the justice of the peace before whom he shall be taken, or to whom any such complaint shall be made, to commit him to the house of correction for any time not exceeding three months, or to proceed against him for the penalty aforesaid, by a description of his person and the offence, and expressing, in his proceedings, that he refused to discover his name.

XLI. And,

XLI. *And, for the better convenience of travellers, where several highways meet,* be it further enacted, That the trustees, appointed to execute any act of parliament made for the repair of any turnpike road, shall direct the surveyor of every such turnpike road, where several highways meet, and there is no sufficient direction-post or stone already fixed or erected, forthwith to erect, or cause to be erected or fixed, in the most convenient place where such ways meet, a stone or post, with an inscription thereon, in large letters, containing the name of, and distance from, the next market town or towns, or other considerable place or places to which the said highways respectively lead; and also at the several approaches or entrances to such parts of any highways as are subject to deep or dangerous floods, graduated stones or posts, denoting the depth of water in the deepest part of the same, and likewise such direction-posts or stones, as the said trustees shall judge to be necessary, for the guiding of travellers in the best and safest tract through the said floods or waters; and also shall order the said surveyor to erect mile-stones or posts upon such turnpike road, with proper inscriptions and figures thereon, denoting the names and distances from the principal towns or places on each respective road, and from time to time to repair such stones and posts, and keep and continue legible the inscriptions thereon respectively; and the said surveyor shall be reimbursed the expences of providing, erecting, repairing and continuing the same respectively, out of the tolls and duties granted by such acts respectively; and in case any surveyor shall, by the space of three months after such direction to him or them given, neglect or refuse to cause any such stone or post to be fixed or repaired, as aforesaid, every such offender shall forfeit the sum of twenty shillings.

The trustees are to order direction posts or stones to be put up, with proper inscriptions thereon, where cross roads meet,

or where there are deep or dangerous floods;

and also mile-stones.

XLII. *And, to prevent the malicious destroying of any turnpike-gate or house, which hath been, or shall hereafter be, erected,* be it further enacted, That if any person or persons whatsoever shall, either by day or night, wilfully or maliciously pull down, pluck up, throw down, level, or otherwise destroy any turnpike-gate or turnpike-gates, or any post or posts, rail or rails, wall or walls, or any chain, bar, or other fence or fences, belonging to any turnpike-gate, or any other chain, bar, or fence, of any kind whatsoever, set up or erected, or hereafter to be set up or erected, to prevent passengers from passing by without paying any toll, laid, or directed to be paid, by any act or acts of parliament made for that purpose; or any house or houses erected, or to be erected, for the use of any such turnpike gate or turnpike-gates; or any crane, machine, or engine, made or erected, or to be made or erected, on any turnpike road by authority of parliament, for weighing waggons, carts, or carriages; or shall forcibly rescue any person or persons, being lawfully in custody of any officer or other person, for any of the offences before mentioned; that then, and in any of the said cases, every person so offending, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall be transported to one of his Majesty's plantations

The malicious destroying of turnpike-gates, houses, weighing engines, &c.

is felony, and the offender to be transported.

abroad

abroad for seven years, or shall be committed to prison for any time not exceeding three years, at the discretion of the judge or court before whom such offender shall be tried; and any indictment for such offences shall and may be enquired of, examined, tried, and determined, in any adjacent county within that part of *Great Britain* called *England*, in such manner and form, as if the facts had been therein committed.

and the inhabitants of the hundred shall make satisfaction for the damages done, unless the offender be convicted within 12 months after the offence committed.

XLIII. And be it further enacted, That the inhabitants of every hundred, within that part of *Great Britain* called *England*, within which such offence or offences shall be committed, by pulling down or destroying any such turnpike gate or gates, or any such post or posts, rail or rails, wall or walls, belonging to any turnpike gate or gates, or any such chain, bar, or fence, or any house or houses, set up or erected, or to be set up or erected, for the use or service of collecting the tolls, or any crane, machine, or engine, made or erected on any turnpike road, by authority of parliament, for weighing waggons, carts, or carriages, at any place appointed by the respective trustees, or any five or more of them, acting under any act or acts of parliament, for amending any turnpike road, shall make full satisfaction for the damages that shall be thereby suffered; and that the said damages shall and may be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record, by and in the name of the clerk of the peace of the county for the time being wherein such offence or offences shall be committed, without naming the christian or surname of the clerk of the peace; and such action shall not be abated or discontinued by the death or removal of any such clerk, but may be sued and prosecuted by his successors; and the said damages, so to be recovered, shall be to the only use and behoof of the trustees of such turnpike road where the offence shall have been committed, to be by them applied and disposed of to the several uses and purposes, and in such manner, as the several tolls, rates, and duties, by virtue of such act or acts of parliament, shall be applied and disposed of; and all and every the inhabitants of such hundred shall be rateably and proportionably taxed for and toward an equal contribution, for the relief of such inhabitant or inhabitants against whom execution for such damages shall be had and levied, which tax shall be levied and raised by such means, and in such manner and form, as is prescribed and mentioned for the levying and raising the damages recovered against inhabitants of hundreds, in case of robberies, by any act or acts of parliament: provided, that upon conviction of any such offender within twelve months after the offence committed, any hundred, or the inhabitants thereof, liable to make, and having made such satisfaction, shall be repaid the sums they have so paid out of the tolls of the turnpike where such offence was committed.

XLIV. *And whereas great mischiefs have arisen from mean persons acting as trustees in the execution of such acts of parliament, made for repairing publick roads in that part of Great Britain called England, as do not direct and require that the trustees thereby appointed shall*

shall be qualified to act as such by the possession of real or personal estates to a certain value; be it therefore enacted, That no person shall be qualified, or capable of acting as a trustee in the execution of any such act as aforesaid, unless he shall be in his own right, or in the right of his wife, in the actual possession or receipt of the rents and profits of lands, tenements, or hereditaments, of the clear yearly value of forty pounds; or possessed of, or intitled to, a personal estate to the value of eight hundred pounds; or shall be heir-apparent of a person possessed of an estate in land of the clear yearly value of eighty pounds; and unless he hath taken, or shall, (not being such heir-apparent as aforesaid), before he acts as such trustee, take and subscribe the oath following before any two or more of the trustees appointed, or to be appointed, by or in pursuance of such act, who are hereby authorised and empowered to administer the same in the words, or to the effect following; that is to say,

Qualification of trustees, where the particular act has not fixed it.

I A. B. *do swear, That I truly and bona fide am, in my own right, or in the right of my wife, in the actual possession and enjoyment, or receipt of the rents and profits of lands, tenements, or hereditaments, of the clear yearly value of forty pounds; or possessed of, or intitled to, a personal estate to the value of eight hundred pounds, (as the case may be).*

Oath of trustees.

So help me G. O. D.

And if any person shall presume to act, contrary to the true intent and meaning hereof, every such person shall, for every such offence, forfeit and pay the sum of fifty pounds to any person who shall sue for the same; to be recovered in any of his Majesty's courts of record, by action of debt, or on the case, or by bill, suit, or information, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed; and such person so sued or prosecuted shall prove that he is qualified as above, or otherwise shall pay the said sum of fifty pounds, without any other proof or evidence on the part of the plaintiff or prosecutor than that such person hath acted as a trustee in execution of any such act.

Trustees acting without taking the oath forfeit 50l.

XLV. And be it further enacted, That all clerks, treasurers, surveyors, and other officers, appointed, or to be appointed, by any act or acts made for the repair of any turnpike roads, and their respective executors or administrators, shall, within ten days after notice in writing to them respectively given by the trustees of such roads, or any five or more of them, at a meeting held pursuant to such act, produce and deliver up to such trustees all books, accounts, papers, or writings whatsoever, relative to the execution of such respective offices, which shall be in their custody or power; and every such officer or person as aforesaid, neglecting or refusing to produce and deliver up such books, accounts, papers, or writings, after such notice as aforesaid, shall, for every such neglect or refusal respectively, forfeit the sum of twenty pounds.

Clerks, treasurers, &c. to deliver up their accounts when required by the trustees, or shall forfeit 20l. for every neglect.]

XLVI. And

No person keeping a publick house shall be a trustee, or hold a place of profit;

XLVI. And it is hereby further enacted, That no person or persons who shall keep any victualling-house, ale-house, or other house of publick entertainment, or who shall sell any wine, cyder, beer, ale, spirituous or other strong liquors, by retail, shall be capable of acting as a trustee, or of taking, holding, or enjoying any place or places of trust or profit under the trustees of any act of parliament made, or to be made, for erecting turnpikes respectively, or of collecting the tolls thereby granted and made payable, during such time as he shall keep such victualling-house, ale-house, or other house of publick entertainment, or shall sell any wine, beer, cyder, ale, spirituous or other strong liquors, by retail; but no such person shall be precluded from farming such tolls, provided he employs a person to collect them who shall not be under any such incapacity.

but he may farm the tolls.

Trustees may direct prosecutions for nuisances, and pay the expences out of the turnpike revenues.

XLVII. *And whereas the trustees of several turnpike roads are not sufficiently empowered to punish nuisances in the several roads under their care;* be it therefore further enacted, That the said trustees of the several roads respectively, or any five or more of them, at a publick meeting, may, and they are hereby empowered, if they think fit, to direct prosecutions by indictment against the offender or offenders for any nuisance done, committed, or continued, in or upon any of the turnpike roads under their care respectively, at the expence of the revenues belonging to such turnpike roads, to be allowed by such trustees, or any five or more of them, at some subsequent meeting: provided, that nothing in this act shall be construed to empower the trustees to prosecute, or cause to be prosecuted, any person for any such offence, unless upon the confession of the offender, or that one or more witnesses or witnesses can be had and produced to prove the commission of such offence.

Informations for penalties, in order to favour the offender, are deemed fraudulent and void.

XLVIII. *And whereas fraudulent contrivances may be practised by offenders, their friends, and others, to evade the just recovery of forfeitures and penalties inflicted by laws relating to turnpike roads, by setting up colourable prosecutions with intent to favour offenders against the said laws, and to discourage just and real prosecutions;* for remedy thereof, be it enacted, That it shall and may be lawful for all and every justice and justices of the peace, before whom there shall be any information or proceeding for any penalty or forfeiture inflicted by this or any act or acts of parliament made for repairing and amending turnpike roads, and they are hereby required, where any information or conviction shall be set up or insisted upon, by way of defence, or to defeat any information or proceeding, or any forfeiture or penalty inflicted as aforesaid, to examine into the real merits of such information, proceeding, or conviction; and if thereupon it shall appear that the same was not done, made, or prosecuted effectually, to recover and apply the penalty or forfeiture for the true and real ends and purposes for which such penalties or forfeitures were enacted, but to favour the offender, such information or conviction shall be deemed to be fraudulent, and null and void to all intents and purposes whatsoever; and every such justice or justices of the peace shall

shall proceed to determine and convict, as if no information or conviction had been made, prosecuted, or obtained.

XLIX. And be it further enacted, That where a sufficient number of the trustees appointed by any act or acts of parliament, made for amending or repairing any particular turnpike roads, shall not meet on the day appointed by any such act or acts respectively for their first meeting, or shall not meet on the day appointed by adjournment for their meeting, or for want of a proper adjournment, by which means, or by some or one of them, the intent of the said act or acts may be frustrated; in all or either of the said cases, it shall be lawful for so many of the said trustees as shall meet, or the major part of them, or in case no such trustee shall be present, for their clerk or clerks, to cause notice in writing to be affixed on all turnpike gates which shall be then erected on the said respective roads, or if no turnpike gate shall be then erected, to cause the like notice to be affixed in the most conspicuous place in one of the principal towns or places nearest to which the roads directed to be repaired do lie, and also in some public news-paper circulated in that country, at least ten days before the intended meeting, appointing such such trustees to meet at such place where the preceding meeting was appointed to have been held, or at the place directed for the first meeting of such trustees, if no such preceding meeting shall have been held; and the said trustees, when met, in pursuance of such notice, shall and may, and they are hereby required, to proceed and carry such act or acts into execution, in the same and as ample, and full a manner, to all intents and purposes, as they might or could have done if no such neglect had happened.

If a sufficient number of trustees do not appear at the first, or any adjourned meeting, the clerk may fix the day, and give proper notice thereof.

L. Provided nevertheless, and be it further enacted, That no meeting of such trustees shall at any time be adjourned for any longer time than three calendar months from the day on which such adjournment shall be made; and that no business shall be done or proceeded upon by the trustees, at any meeting to be held under this or any act or acts of parliament made for repairing any turnpike roads, before the hour of ten in the forenoon, and that no adjournment shall be made to any hour later than two in the afternoon of the day on which such meeting shall be appointed to be held; and that every act agreed upon at any meeting shall be signed at the said meeting by a competent number of trustees, or otherwise every such meeting, adjournment, and act respectively, shall be void and of none effect.

No meeting to be adjourned for more than three months.

No business to be done before ten, nor any adjournment made to an hour later than two in the afternoon.

LI. And be it enacted, That if the trustees appointed, or to be appointed, to put any act of parliament made for the repair of any turnpike road into execution, shall abuse or exceed their power, by erecting, or causing to be erected, or continuing, or causing to be continued, any gate or gates, turnpike or turnpikes, where they have not any power by virtue of any act of parliament to erect such a gate or gates, turnpike or turnpikes, it shall and may be lawful to and for the justices of the peace of the limit where any such gate or gates, turnpike or turnpikes, is or shall be erected, or continued, in their general quarter sessions

If trustees cause gates to be erected contrary to their power, the justices at their quarter sessions may order them to be removed.

assembled upon complaint of such abuse or excess of power in such trustees, in a summary way to hear and determine the same, and thereupon to order the sheriff of the county, who is hereby authorised and required to execute such order, to remove any such gate or gates, turnpike or turnpikes.

Mortgagees, in possession of the tolls, are to account upon oath when required by the trustees, or forfeit 10l.

LII. And be it enacted, That all and every mortgagee and mortgagees, that hath or have taken, or been in possession, or shall hereafter take, or be in possession of, any toll gate or bar, set up or erected on any turnpike road, or of any lands or tenements, the rents and profits whereof are appropriated to the repairs of any part of any turnpike road, shall, within fourteen days after he, she, or they, shall have received notice, in writing, from the trustees of such turnpike roads, or any five of them, render upon oath, to be administered and taken by and before one justice of the peace, or any one trustee of such turnpike road, an exact account, in writing, to such trustees, or to any person appointed by them, or any five of them, to be named in such notice, of all monies received by such mortgagee or mortgagees, or by any other person or persons, for his, her, or their use and benefit, or by his, her, or their authority, at such toll gate or bar, or otherwise, and of what he, she, or they, have expended in keeping or repairing the same: and in case, he, she, or they, shall neglect to render such account when required, in the manner herein directed, he, she, or they, shall severally forfeit and pay to the said trustees, for every refusal, neglect, or omission, to render such account, the sum of ten pounds; to be recovered by the said trustees, or any five or more of them, or by the treasurer or clerk to the said trustees, in a summary manner, before one justice of the peace, which, when recovered, shall be applied to the use of the respective road or roads whereon such toll gate or bar shall be placed.

If mortgagee keeps possession after he has received the money due, he shall forfeit double the sum and treble costs.

LIII. And be it further enacted, That if any such mortgagee or mortgagees shall keep possession of any toll gate or bar, by him, her, or themselves, or by any other person or persons, on his, her, or their behalf, and receive the tolls or duties thereat, or of any such rents or profits, as aforesaid, after such mortgagee or mortgagees shall have received the full sum or sums of money due on their respective mortgage or mortgages, and the interest thereof, with costs, such mortgagee or mortgagees shall forfeit and pay, as a penalty to the said trustees, double the sum or sums of money, he, she, or they, shall have received over and above the sum or sums of money due, as aforesaid, with treble costs of suit; to be recovered by the said trustees, or by the treasurer or clerk to such trustees, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record; which when recovered, shall be applied to the use of the respective road or roads on which such toll gate or bar shall be placed, or such rents appropriated.

On the death of a gate-keeper, two trustees may

LIV. Provided always, and be it further enacted, That it shall and may be lawful for any two or more trustees of any turnpike road, upon the death of any toll-gatherer, or gate-keeper,

keeper, appointed, or to be appointed, to collect the tolls upon such turnpike road, to nominate and appoint some other fit person in his place until the next meeting of the trustees of such road, which person, so to be nominated and appointed, shall have the like power and authority, and be accountable in the same manner, in all respects, as the person so dying had, or would have been, if living: and that if any toll-gatherer or gate-keeper, who shall be discharged from his office by the trustees authorised for that purpose, shall refuse to deliver up the possession of the house, buildings, and appurtenances, which he enjoyed in right of his appointment to that office, within two days after notice of his discharge shall be given to him, or left at his house; or if the wife or family of any such toll-gatherer or gate-keeper, who shall die, as aforesaid, shall refuse to deliver up the possession of such house, buildings, and appurtenances within four days after such new appointment shall be made, as aforesaid; then, and in either of the said cases, it shall and may be lawful for any justice of the peace for the limit where such turnpike-house shall be, by warrant under his hand and seal, to order the constable, or other peace officer, with such assistance as shall be necessary, to enter such house and premises in the day-time, and to remove the persons who shall be found therein, together with their goods, out of such house, and to put the new-appointed officer into the possession thereof.

nominate another until the next meeting of the trustees.

If the gate-keeper, who is discharged, refuses to deliver up possession of the house, &c. the justices may, by warrant, order him to be removed, with his goods.

LV. And be it further enacted, That the gate-keeper or toll-gatherer of every such toll-gate or bar, and every surveyor of any turnpike road, shall, when required, by notice, in writing, from the said trustees, or any five or more of them, render upon oath, to be administered by and taken before any one justice of the peace, or trustee of such turnpike road, a true and exact account, in writing, to the said trustees, or to any person to be named in such notice appointed by them, or any five or more of them, of all monies received by him, her, or them, at such toll-gate or bar, or otherwise, on account of such turnpike road, not before accounted for, under the penalty of five pounds for every such offence or neglect; to be recovered in a summary manner before any one justice of the peace, and applied to the use of the respective road on which such toll-gate shall be placed.

Gate-keepers and surveyors to account upon oath when required by the trustees, or for-feit 5l.

LVI. And be it further enacted, That no gate-keeper of any turnpike road, or person renting the tolls thereof, and residing in any toll-house belonging to the said trust, shall be removable from such toll-house by the order of any justices of the peace, in pursuance of any laws now in being for the relief or regulation of the poor, unless he shall become actually chargeable to the parish or place in which such toll-house is situate; and that no such gate-keeper, or person renting such tolls, and residing in such toll-house, as aforesaid, shall thereby gain a settlement in any parish or place whatsoever; and that no tolls to be taken at any gate erected, or to be erected, by the trustees of any turnpike road, nor any toll-house erected, or to be erected,

No gate-keeper to be removed as a pauper, unless actually chargeable to the parish, &c.

nor shall gain a settlement by renting the tolls, nor be assessed for the toll-house or tolls.

ed, for the purpose of collecting the same, nor any person, in respect of such tolls or toll-house, shall be rated or assessed towards the payment of any poors rate, or any other publick or parochial levy whatsoever.

Gate-keepers permitting a greater number of horses, or carriages constructed otherwise than allowed by the act, or without proper inscriptions painted thereon, and not prosecuting for the same, forfeit 40 s.

LVII. And be it further enacted, That if any toll-gatherer or gate-keeper shall permit or suffer any waggon, wain, cart, or other carriage, to be drawn or pass upon any turnpike road within the view, or with the knowledge, of such gate-keeper or toll-gatherer, or to pass through any toll-gate or bar with any greater number of horses, or beasts of draught, or with any carriage constructed or drawn in any other manner than is before directed, or without such names and descriptions painted thereon as are hereby directed, and shall not within the space of one week proceed for the recovery of the forfeiture or penalty hereby inflicted for every such offence, in the manner directed or authorised by this act, he shall forfeit and pay, for every such neglect, the sum of forty shillings.

Justices at special sessions may transfer part of the statute-duty, applicable to turnpike roads, to the parish roads, if the circumstances of the several roads require and admit of it.

LVIII. *And whereas there are or may be turnpike roads in such a state and condition with regard to their repairs, and the revenues arising upon them, that the statute-duty required to be performed upon the same, or some part thereof, may be dispensed with, and employed more conveniently for the benefit of the other publick highways within the parish, township, or place, in which such turnpike road lies; be it therefore enacted, That it shall and may be lawful for the justices of the peace, at any special sessions, upon application to them made by the surveyor of any parish, township, or place, in the situation herein-before described, to summon the clerk and surveyor of such turnpike road to appear before them, at some other special sessions, and then and there to produce before them a state of the revenues and debts belonging to such turnpike road, and for such justices then and there to enquire into the state and condition of the repairs thereof, and also of such other highways; and if it shall appear to them, upon full and clear evidence, that the whole, or any part of such statute-duty, may be conveniently dispensed with from such turnpike road, without endangering the securities for the money advanced upon the credit of the tolls thereof, and that such statute-duty is wanted for the repairs of the other highways within such parish, township, or place; then, and in that case, it shall and may be lawful for the said justices to order the whole, or part, of such statute-duty to be performed upon the highways, not being turnpike, within such parish, township, or place, under the direction of the surveyor thereof, during such time as to them shall seem just and reasonable, and the same shall be performed accordingly; any thing in this or any other act of parliament contained to the contrary thereof in any-wise notwithstanding.*

Justices in Wales, at their Michaelmas quarter sessions, may al-

LIX. Provided always, and be it further enacted, That it shall and may be lawful for the justices of the peace, within the principality of *Wales*, at their respective general quarter sessions of the peace, to be held in the week after *Michaelmas*, to license

an increase of the number of horses to be employed in drawing carriages on any turnpike road within their respective jurisdictions, over and above the number herein-before limited, if upon enquiry into the state and condition of such roads they shall find any additional number of horses necessary, and, from time to time, at any *Michaelmas* quarter sessions, to revoke, alter, or vary the same, as they shall think fit; and that neither the owner or driver of the horses so licensed shall incur any forfeiture for using such increased number of horses.

LX. And be it further enacted, That no toll shall be collected or received at any toll-gate, for or in respect of carriages solely employed in carrying materials for the repair of any turnpike road or publick highway, or for going to such employment, or returning after having been so employed.

LXI. *And whereas it has been found by experience, that small stones being permitted to lie upon the land are a benefit thereto,* be it therefore enacted, That no surveyor shall gather, or cause to be gathered, any stones for the use of the highways, upon or from the common fields or inclosed lands or grounds of any person or persons whomsoever, without the consent of the occupier of such lands or grounds, or a licence from a justice of peace of the limit where such lands or grounds lie for that purpose, after having summoned such occupier to come before him, and heard his reasons, if he shall appear and give any, for refusing his consent; any thing contained in this act, or in any act of parliament, for making and repairing turnpike roads, to the contrary thereof in any-wise notwithstanding.

LXII. *And whereas many persons are liable by tenure, inclosure, or otherwise, to the repair of certain highways, which having become turnpike roads, are more used, and occasion an increase of the expence in repairing and maintaining thereof, which ought in some degree to be laid upon such turnpike road: for remedy whereof,* be it further enacted, That it shall and may be lawful for the trustees of such turnpike road to agree with the person or persons liable to repair such highway, for the repair thereof, in such manner as they shall think fit, and to contribute so much to the repair thereof, out of the tolls arising upon such turnpike road, or out of the statute-duty belonging to the same, as they shall think just and reasonable.

LXIII. *And whereas parts of highways or turnpike roads, have been, or may be, diverted and turned by legal authority, to make the same nearer or more commodious to the publick; and doubts have arisen, and may arise, whether the inhabitants of any parish, township, or place, or any particular person or persons, liable to repair the old highway or road so deviated from by statute-duty, tenure, or otherwise, ought to repair, or contribute to the repair of, the whole, or some, and what part or proportion of such new highway or road: for obviating which doubts, and preventing disputes about the same,* be it enacted, That the inhabitants of every such parish, township, or place, and person or persons, who was, were, or shall be, liable as aforesaid, to the repair of any such old highway or road, which

No toll to be paid for carriages employed in carrying materials for turnpike roads or highways.

No surveyor to gather stones from the common fields or inclosed lands of any person without his consent, or a licence from a justice of peace.

Power for trustees of turnpike roads to agree with persons liable by tenure to repair any part of such road, concerning the future repair of it.

Persons liable to repair old highways turned or stopped up, shall be liable to repair a part of the new highway equal to the burthen of the old one;

and if the parties cannot agree, it shall be viewed and settled by two justices of the peace.

A gross or annual sum may be paid, if the parties agree thereto.

If action be brought against a trustee, evidence of his being appointed a trustee, and acting as such sufficient.

Treasurers and surveyors who have not already given security, shall give bond with surety to the trustees, for the duly paying and applying the money in their hands.

Trustees on the 30th Sept. next, to put on every toll-

hath been, or shall be, so diverted and turned, shall respectively be and continue in the same manner liable to the repair of such new highway or road, or so much thereof as shall be equal to the burthen and expence of repairing such old highway or road from which he, she, or they, shall be exonerated, by turning the same, as aforesaid; and that if the several parties interested cannot agree therein, the same shall be viewed by two justices of the peace of the limit where such road shall be, and settled, adjusted, and determined by them in such manner as they shall think just and reasonable; and from and after such determination of the justices, the inhabitants of the said parish, township, or place, or the person or persons liable to repair such new highway or road, as aforesaid, shall bear all charges and expences of indictments and prosecutions for not repairing the same: and if it shall be found more convenient to fix a gross sum, or an annual sum, to be paid by any such inhabitants, or person or persons, towards the repair of such new highway or road, instead of fixing the part or proportion of such new highway or road, to be repaired by him, her, or them, the said justices may, with the consent of such person or persons, and also of the inhabitants interested therein, obtained at a vestry or publick meeting held for that purpose, and also of the trustees at a publick meeting, if it be turnpike road; order and direct the same accordingly; which order shall be, and for ever after continue, binding to all persons whomsoever.

LXIV. And be it further enacted, That in all cases where any action shall be brought by or against any trustee or trustees of any turnpike road, evidence of such trustee or trustees having acted as such, together with the act of parliament by which he or they was or were appointed, or the order, or a copy of the order, for his or their appointment or election, in case he or they was or were appointed or elected by the trustees, shall be sufficient proof of his or their being a trustee or trustees.

LXV. And be it further enacted, That every treasurer and surveyor of any turnpike road, who hath not already given proper security to the trustees of such turnpike road, duly to pay and account for the money which hath come, or shall come to his hands, as treasurer or surveyor, shall, on or before the twenty-fifth day of *December* next, and every succeeding treasurer and surveyor shall, within one month after his appointment, give a bond to the said trustees, with a sufficient surety, in such penalty as the said trustees, at any publick meeting, shall direct, conditioned for the duly paying and accounting for all such money which shall be then in his hands, or which he shall afterwards receive, as treasurer or surveyor, according to the directions of the several acts of parliament respecting such turnpike road; which bond shall be wrote upon paper without any stamp thereupon.

LXVI. And be it further enacted, That upon the thirtieth day of *September*, one thousand seven hundred and seventy-three, the trustees of every turnpike road within that part of *Great Britain*

Britain called England, shall, and are hereby required to put up a table or cause to be put up, and afterwards to be continued upon every toll-gate within their respective districts, a table of all the tolls payable at every such gate, distinguishing each toll, and the different sorts of carriages for which they are to be paid, where there shall be any variation therein; and also a table of the weights allowed for each carriage, with the loading thereof in summer and winter: and that the said trustees shall, and are hereby required, from time to time, to examine and inspect, or cause to be examined and inspected, every weighing engine which shall be erected upon their respective turnpike roads, in order to see that the same, with the weights belonging thereto, are kept in good condition to weigh the carriages and loading with accuracy.

LXVII. And be it further enacted, That in all carriages, wherein oxen or neat cattle shall be used, two oxen or neat cattle shall be considered as one horse, for all the purposes mentioned in this act, or any particular turnpike act, with respect to tolls or other things.

LXVIII. And, for the better discovery of offenders against this act, be it enacted, That the owner of every waggon, wain, or cart, and also of every coach, post-chaise, or other carriage, let to hire, shall paint, or cause to be painted, upon some conspicuous part of his waggon, wain, or cart, and upon the pannels of the doors of all such coaches, post-chaises, or other carriages, before the same shall be used upon any turnpike road, his or her christian and surname, and the place of his or her abode, in large legible letters, and continue the same thereupon, so long as such waggon, cart, coach, post-chaise, or other carriage, shall be used upon any such turnpike road; and the owner of every common stage waggon or cart, employed in travelling stages from town to town, shall, over and above his or her christian and surname, paint, or cause to be painted, on the part, and in the manner aforesaid, the following words, COMMON STAGE WAGGON, (or CART, as the case may be); and every person using any such carriage, as aforesaid, upon any turnpike road, without the names and descriptions painted thereon respectively, as aforesaid, or who shall paint, or cause to be painted, any false or fictitious name, or place of abode, on such waggon, wain, cart, coach, post-chaise, or other carriage, shall forfeit, for every such offence, a sum not exceeding five pounds, nor less than twenty shillings.

LXIX. And be it further enacted, That from and after the twenty-ninth day of September, one thousand seven hundred and seventy-six, the tire of the wheels of all waggons, wains, carts, and carriages, to be used upon any turnpike road, shall be countersunk in placing the same upon the fellies, in such manner that the nails shall not rise above the surface, and that the sole surface of the wheels shall be quite flat; and the owner of every carriage offending therein shall forfeit the sum of forty shillings; and every driver not being the owner, the sum of twenty shillings, for every offence.

LXX. And

When the powers for providing materials, enlarging and turning turnpike roads, making drains, pruning hedges and trees, and calling forth the statute-duty, are ineffectual, and where more ample powers for these purposes are given by the highway act,

the surveyor of turnpike roads, with the approbation of the trustees, may execute and enforce these powers upon and for the benefit of the turnpike roads, upon the terms, and under the restrictions, in the highway act:

But satisfaction shall be made by the trustees of the turnpike roads for all such materials as are got in several or inclosed lands or grounds.

The forms of proceedings contained in

LXX. And whereas the powers given by several turnpike acts are ineffectual for the purposes of digging, providing, and carrying materials, for the use of the turnpike roads therein described, and also for the purposes of enlarging, diverting, and turning such turnpike roads, and stopping up, selling, and disposing of the old roads so to be diverted and turned; and also for the making, opening, and cleansing of ditches and drains, and the cutting and pruning of hedges and trees; and also for the calling forth and compelling the performance of the statute-duty which shall belong to such turnpike roads: and whereas more ample powers, under proper guards and restrictions, have been given, or may be given, for the several purposes aforesaid, by certain clauses, provisions, and regulations, contained, or to be contained, in the act or acts of parliament made, or to be made, for the amendment and preservation of the highways in general, (which highways comprehend and include turnpike roads); and it may be more beneficial to the turnpike roads, and to the publick, if the surveyors of turnpike roads were authorized, within their respective limits, to apply part of the tolls and statute-duty in carrying the said powers into execution, for the use and improvement of such turnpike roads; be it therefore enacted, That the surveyors of every turnpike road, within that part of Great Britain called England, shall and may, with the approbation of the trustees of every such turnpike road, apply any part of the tolls and statute-duty arising to, from, or in respect of every such turnpike road, in the execution of all and every the said powers, clauses, provisions, and regulations, which are, or shall be contained in the said act or acts of parliament, for the amendment and preservation of the highways, and shall and may execute and enforce the same upon and to the benefit and improvement of such turnpike roads respectively, for the several purposes aforesaid, as fully and amply, but upon such terms, under such restrictions, and in such manner and form, to all intents and purposes, as the surveyor of any parish, township, or place, can or may do, or apply the same, by virtue of, or under such act or acts of parliament.

LXXI. Provided nevertheless, and be it further enacted, That when any materials shall be dug or got by the surveyor of any turnpike road, in the several or inclosed lands or grounds of any person or persons, for the use of any turnpike road, by or under the authority of this act, or of the said act or acts, for the amendment and preservation of the highways, satisfaction shall be made by the trustees of such turnpike road to the owner or occupier of such lands or grounds, for the materials so to be dug or got, and also for the damages in carrying away the same, in such manner as satisfaction is or shall be required to be made for the damages occasioned by the digging, getting, and carrying away the materials in several or inclosed lands or grounds, by virtue of the said act or acts for the amendment and preservation of the highways.

LXXII. And be it further enacted, That the forms of proceedings relative to the several matters contained in this act, which are set forth and expressed in the schedule hereunto annexed,

nexed, shall be used upon all occasions, with such additions or variations only as may be necessary to adapt them to the particular exigences of the case; and that no objection shall be made, or advantage taken, for want of form in any such proceedings, by any person or persons whomsoever.

LXXIII. And, to enforce further a due observance of this act, be it enacted, That every constable, headborough, or tithingman, refusing or neglecting to put this act into execution, or to account for and deliver any forfeiture or penalty, according to the directions of this act, and every surveyor of any turnpike road, and every toll gatherer, and all other persons employed, or to be employed, by trustees appointed, or to be appointed, for the repairing roads, as do or shall receive salaries or rewards, who shall wilfully neglect, for the space of one week after the offence committed, to lay such information upon oath before one or more of his Majesty's justices of the peace for the limit wherein such offence was committed, as by this act is directed, shall, upon due information made upon oath before one of his Majesty's justices of the peace for the said limit, forfeit, for every such neglect, the sum of ten pounds.

LXXIV. Provided always, and be it further enacted, That no conviction shall be had or made by virtue of this act, unless upon confession of the party accused, or upon the oath of one or more credible witness or witnesses; and that any inhabitant of any parish, township, or place, in which any offence shall be committed contrary to this act, shall be deemed a competent witness, notwithstanding his or her being an inhabitant of such parish, township, or place; and that any justice of the peace may act in the execution of this act, notwithstanding he may be a creditor, or a trustee for repairing and amending the roads on which any offence contrary to this act shall be committed.

LXXV. And be it further enacted, That in case any person or persons shall resist, or make forcible opposition against any person or persons employed in the due execution of this act, or any particular act made for amending any particular highway; or shall assault any collector or collectors of the tolls in the execution of his or their office or offices; or shall pass through any turnpike gate or gates, rail or rails, chain or chains, or other fence or fences, set up, or to be set up, by authority of parliament, without paying the toll appointed to be paid at such gate or other fence; or shall hinder, or attempt to prevent or obstruct any such person or persons in the measuring or gauging the wheels of any carriage, or make any rescue of cattle or other goods, distrained by virtue of this act; or if any constable, headborough, or tithingman, shall refuse or neglect to execute any warrant granted by any justice or justices of the peace, pursuant to the directions of this act; every such person offending therein, and being convicted thereof, in manner aforesaid, shall, for every such offence, forfeit any sum not exceeding ten pounds, nor less than forty shillings, at the discretion of the justice or justices of the peace before whom he or she shall be so convicted;

the schedule to be used, and no objection or advantage shall be taken for want of form.

Constables, surveyors, and all persons employed with salaries, refusing to execute the act, and wilfully neglecting to prosecute offenders for one week after the offence committed, forfeit 10l.

Conviction upon what evidence to be made.

Inhabitants good witnesses notwithstanding they live in the place where the offence was committed.

Justices may act although they are creditors or trustees. Persons resisting the execution of the act, or assaulting collectors,

and constables disobeying warrants of justices of peace, forfeit, not exceeding 10l. nor less than 40s.

ed; to be paid to the surveyor of the turnpike roads where the offence was committed, and laid out in the repairs thereof: and in case he or she do not forthwith pay, or secure to be paid, the said forfeiture, after such conviction, then it shall and may be lawful for such justice or justices of the peace to commit such person or persons to the common gaol, or house of correction, of the county, division, or place, where such offence shall be committed, there to remain for any time not exceeding three months, unless the said forfeiture shall be sooner paid.

Penalties and forfeitures to be levied and recovered by distress and sale:

LXXVI. And be it further enacted, That all penalties and forfeitures by this act imposed, for any offence against the same, and all costs and charges to be allowed and ordered by the authority of this act, (the manner of levying and recovering of which is not hereby otherwise particularly directed), shall be levied by distress and sale of the goods and chattels of the offender, or person liable or ordered to pay the same respectively, by warrant under the hand and seal of some justice of the peace for the limit where such offence, neglect, or default, shall happen, and such order for payment of such costs or charges shall be made, rendering the overplus of such distress and sale, if any, to the party or parties, after deducting the charges of making the same; which warrants such justice is hereby empowered and required to grant, upon conviction of the offender, by confession, or upon the oath of one or more credible witness or witnesses, or upon order made, as aforesaid; and the penalties and forfeitures, costs and charges, when so levied, shall be paid, the one half to the informer, and the other half to the surveyor of the turnpike road where such offence, neglect, or default, shall happen, to be employed towards the repair thereof, unless otherwise directed by this act: and in case such distress cannot be found, and such penalties and forfeitures, or the said costs or charges, shall not be forthwith paid, it shall and may be lawful for such justice, and he is hereby authorised and required, by warrant under his hand and seal, to commit such offender or offenders, or person or persons, liable to pay the same respectively, to the common gaol, or house of correction, of the limit where the offence shall be committed, or such order, as aforesaid, shall be made, for any time, not exceeding three months, unless the said penalty, forfeiture, costs, or charges, shall respectively be sooner paid: and if such offender or offenders, or person or persons, liable, or ordered to pay the same respectively, shall live out of the jurisdiction of the justice or justices, hereby authorised to grant such warrant, it shall and may be lawful for any justice of the peace of the limit wherein such person shall inhabit, and every such justice is hereby required, upon request to him for that purpose made, and upon a true copy of the conviction whereby such forfeiture or penalty was incurred, or of the order for the payment of such costs or charges, produced and proved by a credible witness upon oath, by warrant, under his hand and seal, to cause the penalty or forfeiture mentioned in such conviction, or the costs or

How to be applied.

If no distress, the offender to be committed.

If the offender lives out of jurisdiction of the justice, the justices where he lives may proceed, having a copy of the conviction duly proved.

charges

charges mentioned in such order, to be levied by distress and sale of the goods and chattels of such offender or offenders, or person or persons, liable, or ordered to pay the same respectively, as aforesaid; and if no sufficient distress can be had, to commit such offender or offenders, or person or persons, liable as aforesaid, to the common gaol, or house of correction, of such limit, for the time, and in manner aforesaid.

LXXVII. Provided nevertheless, That no warrant of distress, unless otherwise directed by this act, shall be issued for levying any penalty or forfeiture, costs or charges, until six days after the offender shall have been convicted, and an order made and served upon him or her for payment thereof.

LXXVIII. Provided also, and be it enacted, That whatever penalty or forfeiture shall be levied or recovered on the information of the surveyor of any turnpike road, or of any toll-gatherer, or other person employed by the trustees appointed for repairing the roads, and receiving salaries or rewards for their services, and not otherwise directed by this act, shall go and be applied to the amending of the said turnpike roads respectively, and to no other use or purpose whatever; any thing in this or any other act to the contrary notwithstanding.

LXXIX. And be it enacted, That every prosecutor or informer may, at his election, sue for, and recover any forfeiture or penalty imposed by this or any other act or acts of parliament made for erecting turnpikes or for repairing and amending turnpike roads, in the manner hereafter mentioned; that is to say; if the same shall not amount to the sum of forty shillings, it shall be recoverable only by information before a justice of the peace; and if the same shall amount to forty shillings, or upwards, it shall and may be recovered either by information, as aforesaid, or by action of debt, in any of his Majesty's courts of record, in which it shall be sufficient to declare that the defendant is indebted to the plaintiff in the sum of

being forfeited by an act, passed in the thirteenth year of the reign of his present Majesty, intituled, *An act to explain, amend, and reduce into one act of parliament, the general laws now in being, for regulating the turnpike roads in that part of Great Britain called England, and for other purposes*; and the plaintiff, if he recover in any such action, shall have full costs: provided that there shall not be more than one recovery for the same offence; and that ten days notice in writing be given to the party offending previous to the commencement of such action; and that the same be brought and commenced within one calendar month after the offence for which such action is brought shall have been committed.

LXXX. And be it further enacted, That where any distress shall be made for any sum or sums of money, to be levied by virtue of this act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers, on account of any default or want of form in any proceedings relating thereto; nor shall the party or parties

No warrant of distress to be issued till six days after the conviction.

Forfeitures recovered, on the evidence of the surveyor or other officer employed by the trustees with salaries shall be applied to the use of the roads.

Prosecutors may recover forfeitures below 40s. only by information before a justice, but above 40s. by information, as aforesaid, or by action, &c.

Ten days notice to be given before action brought, and to be commenced within one month after offence committed.

Distress not unlawful, nor the party making it a trespasser, for want of form, or irregularity in the proceedings

ceedings; but the party aggrieved may recover satisfaction for the special damages.

Plaintiff not to recover for any irregularity in the proceedings, if tender of amends be made before the action brought. Defendant may pay money into court.

Persons aggrieved may appeal,

upon giving six days notice after the cause of complaint shall arise; and entering into recognizance to try the appeal, and pay the costs.

Justices, to whom notice of appeal shall be given, are to return all the proceedings to the quarter sessions.

Justices at quarter sessions are to hear and determine the complaints, and award costs.

No proceedings to be removed by *Certiorari*.

ties distraining be deemed a trespasser or trespassers *ab initio*, on account of any irregularity which shall be afterwards done by the party or parties distraining; but the person or persons aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case.

LXXXI. Provided always, That no plaintiff or plaintiffs shall recover in any action for any such irregularity, trespass, or wrongful proceedings, if tender of sufficient amends shall be made by or on the behalf of the party or parties who shall have committed, or caused to be committed, any such irregularity, or wrongful proceedings, before such action brought; and in case no such tender shall have been made, it shall and may be lawful for the defendant in any such action, by leave of the court where such action shall depend, at any time before issue joined, to pay into court such sum of money as he or they shall see fit; whereupon such proceedings, or orders, and judgements, shall be had, made, and given, in and by such court, as in other actions, where the defendant is allowed to pay money into court.

LXXXII. Provided also, and be it further enacted, That if any person shall think himself or herself aggrieved by any thing done by any justice or justices of the peace in pursuance of this act, except under the particular circumstances hereafter mentioned, and for which no particular method of relief hath been already appointed, such person may appeal to the justices of the peace, at any general quarter sessions of the peace to be held for the limit wherein the cause of such complaint shall arise; such appellant first giving, or causing to be given, to such justice, by whose act or acts such person shall think himself or herself aggrieved, notice in writing of his or her intention to bring such appeal, and of the matter thereof, within six days after the cause of such complaint arose, and within four days after such notice, entering into recognizance before some justice of the peace, with one sufficient surety, conditioned to try such appeal at, and abide the order of, and pay such costs as shall be awarded by the justices at such quarter sessions; and each and every justice of the peace, having received notice of such appeal, as aforesaid, shall return all proceedings whatever had before them respectively, touching the matter of such appeal, to the said justices at their general quarter sessions aforesaid, on pain of forfeiting five pounds for every such neglect; and the said justices, at such session, upon due proof of such notice being given as aforesaid, and of the entering into such recognizance, shall hear, and finally determine the causes and matters of such appeal in a summary way, and award such costs to the parties appealing, or appealed against, as they the said justices shall think proper, to be levied and recovered as herein-before directed; and the determination of such quarter sessions shall be final and conclusive to all intents and purposes; and no proceeding to be had or taken in pursuance of this act shall be quashed or vacated for want of form, or removed by *Certiorari*, or any other writ

writ or process whatsoever, into any of his Majesty's courts of record at *Westminster*, any law or statute to the contrary notwithstanding.

LXXXIII. Provided, That no such appeal shall be made against any conviction for any penalty or forfeiture incurred by virtue of this act, unless the person convicted shall, at the time of such conviction, if he shall be then present, if not, within six days after, give, or cause to be given, notice of his or her intention to appeal, and at the same time enter into recognizance, or give security, with sufficient sureties, to pay such penalty or forfeiture, in case such conviction shall be affirmed upon such appeal; and upon his or her giving such security, the further proceedings for such penalty or forfeiture shall be suspended until such appeal shall be heard and determined.

LXXXIV. And be it enacted, That where any oath is hereby required and directed to be made or taken, the justices of the peace of any limit, or the trustees of any turnpike road, (as the case may be,) and according to the several jurisdictions herein given to them respectively, as aforesaid, shall, and they are hereby respectively impowered to administer the same.

LXXXV. And be it further enacted, That if any action or suit shall be commenced against any person or persons, for any thing done or acted in pursuance of this act; then, and in every such case, such action or suit shall be commenced or prosecuted within three calendar months after the fact committed, and not afterwards; and the same, and every such action or suit, shall be brought in the county where the person against whom such action or suit shall be commenced doth ordinarily inhabit or reside, or where the fact was committed, and not elsewhere; and the defendant or defendants, in every such action or suit, shall and may plead the general issue, and give this act, and the special matter, in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act: and if the same shall appear to have been so done, or if any such action or suit shall be brought after the time limited for bringing the same, or be brought and laid in any other county than as aforesaid, then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action, after the defendant or defendants shall have appeared; or if upon demurrer judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for recovery thereof, as any defendant or defendants hath or have in any cases by law.

LXXXVI. And be it further enacted, That from and after the twenty-eighth day of *September*, one thousand seven hundred and seventy-three, an act, passed in the seventh year of his present Majesty's reign, intituled, *An act to explain, amend, and reduce into one act of parliament, the general laws now in being for regulating the turnpike roads of this kingdom, and for other purposes therein mentioned*, (except so much thereof as repeals the several

No appeal to be made against a conviction, unless the party give notice thereof at the time of conviction, if present, if not, within six days after, and enter into recognizance as above.

Justices and trustees have power to administer oaths.

If action be commenced for any thing done under this act, it shall be brought within 3 months after the offence committed, and in the county where the defendant resides, or the fact was done.

Defendant may plead the general issue, and give the act, and special matter, in evidence.

If plaintiff proceeds in any other manner, the jury are to find for the defendant, and he is to have treble costs.

The statute of 7 Geo. 3. repealed.

acts

This act is
to commence
on the 29th
day of Sept.
1773.

acts therein mentioned,) shall be, and the same is hereby repealed; and that this act shall commence and take effect on the twenty-ninth day of *September*, one thousand seven hundred and seventy-three.

T H E S C H E D U L E

R E F E R R E D T O,

Containing the form of PROCEEDINGS.

N^o. I.

Order of trustees for erecting a weighing engine.

At a meeting of the trustees of the turnpike roads, under an act, passed in the thirteenth year of the reign his majesty King George the Third for [state the principal part of the title of the act] held at the day of

17

IN pursuance of the powers given to us by an act, passed in the thirteenth year of the reign of his majesty King *George the Third*, for regulating the turnpike roads, we do hereby order, That an engine, proper for the weighing of carriages, of the constructions and weights specified in the said act, be forthwith erected at or as near as conveniently may be to the toll-gate or bar now erected upon the said turnpike road at and that *A. B.* the (*Treasurer,*) *Clerk,*) or *Surveyor,*) of the said turnpike road do contract with some proper person (*or with C. D.*) (*in case the trustees shall think fit to name the person,*) for the making and erecting such engine, and do inspect and take care that the same is properly done: and we do order the gate-keeper at the said gate or bar for the time being to attend the said weighing engine, and carefully to weigh all carriages passing, loaded upon the said road, at the place where such engine shall be erected, together with the loading thereof, and to take the several additional tolls or rates for overweight, and give tickets of the weight of such carriages and loading, when required by the driver thereof, according to the directions of the said act; and also to enter in a separate book, to be kept by him for that purpose, an account of every carriage so weighed, which shall, with the loading, exceed the weights allowed by the said

faid act, and account to us for the money received for all such overweight.

(To be signed by five at least of the trustees.)

Nº. II.

TABLE of weights allowed in winter and summer to carriages directed to be weighed, including the carriage and loading, by the act of the thirteenth George the Third.

	Summer. Tons. Cwt.	Winter. Tons. Cwt.
TO every waggon upon rollers, of the breadth of sixteen inches, - - - }	8 —	7 —
To every waggon with nine inch wheels, rolling a surface of sixteen inches on each side, - - - }	6 10	6 —
To every waggon with nine inch wheels,	6 —	5 10
To every cart with nine inch wheels,	3 —	2 15
To every waggon with six inch wheels,	4 5	3 15
To every waggon with six inch wheels, rolling a surface of eleven inches, - - - }	5 10	5 —
To every cart with six inch wheels,	2 12	2 7
To every waggon with wheels of less breadth than six inches, - - - }	3 10	3 —
To every cart with wheels of less breadth than six inches, - - - }	1 10	1 7

Nº. III.

Agreement between trustees of different turnpike roads, for erecting one weighing engine for the use of such roads.

At a meeting of the trustees of the turnpike roads, under an act, passed in the year of the reign of King George the for [state the principal part of the title of the act,] and also of the trustees of the turnpike roads, under an act, passed in the year of the reign of King George the for (&c. as above) held at the day of 17 for the purpose of agreeing upon and ordering a weighing engine, at the joint expence of the trustees, for the use of the said several turnpike roads, pursuant to the powers given by an act, passed in the thirteenth year of the reign of his majesty King George the Third, for regulating the turnpike roads.

IT appearing to us, that a weighing engine may be erected at *(describing the spot where it can be most conveniently placed,)* which will accommodate both the said turnpike roads, according to the true intent and meaning of the said act; we do therefore order, &c. *(as in the form above mentioned)* and we

Anno decimo tertio GEORGE III. C. 84. [1773.]

we do hereby agree and order, That the expences of making and erecting the said weighing engine, and the sum of which we do hereby agree and order, shall be paid to the toll-gatherer attending the said toll-gate for the time being, weekly, for his extraordinary trouble in attending the said weighing engine, shall be advanced and paid by the treasurers of the said several turnpike roads, in the shares and proportions following; *videlicet*, That the treasurer of the road shall pay (*One Half*,) (*Two-thirds*,) or, (*Three-fourths*,) parts thereof, (*as the trustees shall agree*,) and the treasurer of the road shall pay the remaining (*One Half*,) (*One-third*,) or (*One-fourth*,) part thereof; and that the money to be received at the said weighing engine, by forfeitures for overweight, shall be paid to the said respective treasurers, in the like proportions, and applied by them for the use of the said respective turnpike roads.

Nº. IV.

Complaint to the court of quarter sessions of a turnpike road being damaged by excessive weights, and that there is no weighing engine upon it.

To the justices at the general quarter sessions of the peace for the (County) Riding) Division) of

WE, whose names are subscribed, being (*Creditors or Trustees*) under an act, passed in the year of the reign of King George the for, &c. [*State the principal part of the title of the act*,] do hereby complain to the justices, at the said court, that a part of the said turnpike road, lying between and is much damaged by the carriage of excessive weights thereupon, and that the trustees of the said turnpike road have hitherto neglected to erect, or order any weighing engine to be erected, upon the said road, pursuant to the powers given to them by the act passed in the thirteenth year of the reign of King George the Third, *for regulating the turnpike roads*; and we apprehend, that if a weighing engine was to be erected upon the said road, pursuant to the said act, at or near the toll-gate at (or known by the name of the gate,) it would contribute greatly to the preservation of the said road.

Signed this

day of

17

(If a justice of peace makes the complaint, the form will be as under;)

Middlesex. **I** A. B. one of his Majesty's justices of peace for the said county, do hereby complain, &c. (*as above*.)

Nº. V.

N°. V.

Notice of a meeting of trustees, for ordering a side-gate to be erected.

NOTICE is hereby given, That the trustees of the turnpike roads, under an act, passed in the year of the reign of King George the _____ for [State the material parts of the title of the act] will meet at the house of _____ at _____ on the _____ day of _____ next, at the hour of _____ in the _____ noon, in order to consult about erecting a toll-gate on the side of the said turnpike road, at or near a place called _____ across a certain highway there, leading to _____

Dated the _____ day of _____ 17
A. B. clerk to the said trustees.

N°. VI.

Order of the trustees for erecting a side-gate.

AT a meeting of the trustees of the turnpike roads, under an act, passed in the _____ year of the reign of King George the _____ for [Here state the material parts of the title of the act,] being assembled this _____ day of _____ 17 to enforce the directions of an act, passed in the thirteenth year of the reign of King George the Third, for regulating the turnpike roads (as far as the same respects the erecting of side-gates,) in pursuance of publick notice given in writing upon all the toll-gates erected on the said road, and also in the _____ news-papers circulated in this part of the country, for twenty-one days now last past; we do order, that a toll-gate shall be erected on the side of the said turnpike road, at or near a place called _____ across a certain highway there, leading to _____ and that the following toll be taken at the said gate; *videlicet*, [Here insert the particular tolls to be taken at the said side-gate.]

This to be signed by nine trustees at least.

N°. VII.

Order of trustees for permitting carriages with six inch wheels to be drawn by horses in pairs.

AT a meeting of the trustees of the turnpike roads under an act, passed in the _____ year of the reign of King George the _____ for, &c. [State the material part of the title of the act,] held at _____ on the _____ day of _____ Vol. XXX. X

day of one thousand seven hundred
 it was requested by several persons, that liberty should be given
 to draw carriages with fellies of the breadth of six inches, by
 horses in pairs; and the state and condition of the said turnpike
 road being taken into consideration, and it appearing to us, that
 the said request may be granted without prejudice to the said
 turnpike roads, we do hereby authorise all persons who shall use
 carriages with fellies of the breadth of six inches upon the said
 turnpike road, to draw such carriages with horses in pairs, if
 they shall think fit, from and after the day of
 next, pursuant to the power given to us by an
 act, passed in the thirteenth year of the reign of his majesty
 King George the Third, *for regulating turnpike roads.*

(This meeting must consist of seven or more trustees.)

N^o. VIII.

Notice for letting tolls.

NOTICE is hereby given, That the tolls arising at the
 toll-gate, (*or toll-gates, if more than one,*) upon the turn-
 pike road at called or known by the
 name of the gate, will be let by auction,
 to the best bidder, at the house of at
 on the day of
 next, between the hours of and in
 the manner directed by the act, passed in the thirteenth year
 of the reign of his majesty King George the Third, *for regulating*
the turnpike roads; which tolls produced the last year the sum
 of above the expences of col-
 lecting them, and will be put up at that sum. Whoever hap-
 pens to be the best bidder, must, at the same time, give security,
 with sufficient sureties, to the satisfaction of the trustees of the
 said turnpike road for payment of the rent agreed for, and at
 such times as they shall direct.

A. B. clerk to the trustees of the
 said turnpike road.

N^o. IX.

Order of trustees for reducing the tolls.

At a meeting of the trustees of the turnpike roads, under an act, pass-
ed in the year of the reign of King George the
for, &c. [State the principal part of the title of
the act] held at the day
of

17

WHEREAS by the said act there was no power (*or no*
effectual power) given (*as the case may be*) to the trustees
 to lessen the tolls authorised to be taken by the said act; we,
 whose

(If it be agreed, by the consent of the parties, to pay a sum in gross, in lieu of such repairs, after the word (adjudge) insert (by and with the consent of the said A. B. signified by his subscribing his name to this order,) (or by the consent of the inhabitants of the said (Parish, &c.) of signified in writing, at a vestry or other publick meeting, a copy whereof is hereunder written) that the said A. B. (or the inhabitants, &c.) is (or are) liable to repair part of the said new highway; and that if he (or they) shall, on or before the day of next pay to the surveyors of the highways of the highways of the said (Parish, &c.) of (if it is not turnpike road) and, if it be turnpike road, (to the treasurer of the said turnpike road,) the sum of he the said A. B. and his heirs, (or the said inhabitants, and their successors) shall be for ever acquitted and discharged from the burden and obligation to repair the said new highway, or any part hereof.

(If it be by the consent of parties agreed to pay an annual sum in lieu of such repairs, the form will be easily varied, and adapted to that case.)

I do consent and agree to the above order.

A. B.

Nº. XI.

Agreement of inhabitants, at a vestry, or publick meeting, to pay a gross sum, or annual payment, to be discharged from the repair of a particular road.

WE, whose names are subscribed, being a majority of the inhabitants of the (Parish, &c. of assembled, this day of at a vestry, or publick meeting, held pursuant to notice duly given, for the purposes of consulting about an agreement to be made concerning the repair of part of a highway (or turnpike road) within the said (Parish, &c.) of do consent and agree to pay the sum of to be absolutely exonerated and discharged from all future repairs of the said highway, (or turnpike road) (or if an annual payment be agreed upon,) to pay annually the sum of

Nº. XII.

Agreement between the trustees of a turnpike road, and a person liable by tenure to repair some part of it.

At a meeting of the trustees of the turnpike roads under an act, passed in the year of the reign of King George the for [State the principal part of the title of the act] held at the day of 17

WHEREAS A. B. of is liable by tenure, &c. (as the case shall be) to the repair of a certain highway lead-

leading between and of the length
of yards, or thereabouts, and the said highway
being now made turnpike road by virtue of the said act, will
occasion a greater expence to make and keep the same in proper
repair than would have been necessary if no such act had been
obtained; and the said A. B. attending this meeting in person,
(or by C. D. his attorney or agent, authorised to treat in his be-
half) the said trustees and the said A. B. &c. in pursuance of a
power given by an act, passed in the thirteenth year of the
reign of King George the Third, for regulating turnpike roads,
have, in order to put and keep the said road in proper condi-
tion and repair, come to the following agreement; videlicet,
That the said trustees shall, on or before the day of
next, pay and allow the sum of
out of the tolls arising upon the said turnpike roads, towards
putting the said road into proper repair, to be laid out and
expended by the surveyor of the said turnpike road; and that
the said A. B. shall advance and pay into the hands of the trea-
surer of the said turnpike road, on or before the day of
next, the sum of to be also
laid out and expended by the said surveyor in the repair of
the said road; and that from and after the twenty-ninth day of
September next, the said turnpike road shall be kept in repair by
the said trustees out of the said tolls, as aforesaid, so long as the
said turnpike act shall continue, upon the said A. B. paying into
the hands of their treasurer the sum of upon the
twenty-fifth day of *March*, in every year, which the said A. B.
doth hereby for himself and his heirs agree to pay accordingly,
so long as the said road shall be so repaired by the said
trustees, as aforesaid.

[Or if it shall be agreed, that A. B. shall keep the road in repair, upon having an annual allowance in money or statute-duty from the said trustees let the agreement be varied, and adapted to the case.]

N^o. XIII.

Order of justices at a special session, for proportioning the statute duty, where there are two or more turnpike roads in the same place.

Middlesex. *At a special sessions, held by justices of the peace for the said county, acting for the (Hundred) Riding) Division, &c.) of at within the said (Hundred,) &c.) the day of* 17

IT appearing to us, that part of the highway lying in the
(*Parish*, &c.) of _____ was made turnpike road by
an act, passed in the _____ year of the reign of King *George*
the _____ called the _____ turnpike road, and also
that part of another highway, lying in the same (*Parish*, &c.)
x 3 _____ was

was made a turnpike road, by an act, passed in the year of the reign of King George the called turnpike road; and that, &c. [*State the others in the same manner, if there are more than two*] and that by the said several acts, more than three days statute-duty are required to be performed by the inhabitants of the said (*Parish, &c.*) upon all the said turnpike roads; and we having, pursuant to the directions of the act, passed in the thirteenth year of the reign of King George the Third, *for regulating the turnpike roads*, duly summoned the surveyors of the said several turnpike roads, and also the surveyor of the said (*Parish, &c.*) to appear before us this day; and having had regard to the extent and condition of the several highways within the said (*Parish, &c.*) and to the tolls and revenues arising from the said turnpike roads, and having heard and considered the whole case, we do order, that the inhabitants of the said (*Parish, &c.*) shall perform (*One*) day's statute-duty upon the said road called the turnpike road, (*One*) other day's statute-duty upon the said road called the turnpike road, &c. under the directions and inspection of the surveyors of those respective turnpike roads, and the remainder of their statute-duty upon the other highways within the said (*Parish, &c.*) under the direction and inspection of the surveyor (*or surveyors*) thereof.

A. B.

C. D.

[*The proportion of the duty to be varied as the circumstances of the case shall require.*]

N^o. XIV.

Order of justices at a special sessions, to take part of the statute-duty from turnpike roads, for the benefit of other highways in the said parish, &c.

Middlesex. *At a special sessions, held by justices of the peace for the said county, acting in the (Hundred) of within the said county, at on the day of* 17

WHEREAS application and complaint upon oath has been made unto us by A. B. surveyor of the (*Parish, &c.*) of that the several highways, not being turnpike, within the said (*Parish, &c.*) are very extensive, and in bad repair, and that a considerable part of the statute-duty arising within the said (*Parish, &c.*) hath been called forth, and required to be applied in the repair of certain turnpike roads lying within the said (*Parish, &c.*) which are in good condition, and have a considerable revenue for their support, arising from the tolls collected thereupon: and we having duly summoned C. D. the surveyor of the said turnpike road, to appear before us, to shew

shew cause why the said statute-duty called forth and applied by him to the repair of the said turnpike road, should not be withdrawn therefrom, and applied to the repair of the other highways within the said (*Parish, &c.*); and upon hearing the said *C. D.* and receiving an account of the revenues and debts of the said turnpike road, and of the state and condition of the repair of the said turnpike road and highway respectively; and it appearing to us, upon full consideration had thereupon, that part of the statute-duty hitherto employed by the said (*Parish, &c.*) for the repair of the said turnpike road, may be conveniently dispensed without endangering the securities for the money advanced upon the credit of the tolls thereof; and that such statute-duty is wanted for the repairs of the other highways within the said parish; we, in pursuance of the power given to us, by the act, passed in the thirteenth year of the reign of King George the Third, *for regulating turnpike roads*, do order, That from and after the twenty-ninth day of *September* next, there shall be only (*One*) day's statute-duty performed by the inhabitants of the said (*Parish, &c.*) upon the said turnpike road within the same, and that the remainder of the statute-duty shall be performed upon the other highways within the said (*Parish, &c.*)

[If there are more turnpike roads than one, or the whole statute-duty shall be thought fit to be taken away, this form must be varied to fit those cases; the summons to the surveyors will be very easily formed from this order.]

N^o. XV.

Licence by the trustees for drawing with an increased number of horses up a steep hill.

At a meeting of the trustees of the turnpike roads, under an act, passed in the year of the reign of King George
the for [State the principal part of the title of the
act] held at *the* *day of* 17

IT appearing to us, upon the oath of being
 a person experienced in levelling, that the rise of (*part of*)
 a certain hill, upon the said turnpike road, lying in the parish of
 called or known by the name of
 hill, between the post marked (*put on*) and the post marked
 (*take off*) being yards in length, is above four
 inches in a yard, we do hereby allow to be drawn up the
 said hill, between the posts above mentioned, waggons, having
 the soles or bottom of the fellies of the wheels of the breadth of
 nine inches, with horses; and carts having the like
 wheels, with horses; and waggons having wheels of
 the breadth of six inches, with horses; and carts
 having the like wheels, with horses; and waggons
 having wheels of less breadth than six inches, with

x 4

horses;

horses; and carts having the like wheels, with horses.

[This form is calculated where any part of the hill between those posts rises above four inches in a yard, but if the whole rise between the posts shall be upon an average more than four inches in a yard, before the word (above) insert (upon an average) which will authorise the justices to allow more horses than mentioned in the act]

N^o. XVI.

Certificate of the above order to the justices of peace at their quarter sessions.

I *A. B.* clerk to the trustees, mentioned in the above order, do hereby certify to the justices of the peace, for the (*County Riding*) Division) of at their general quarter sessions of the peace, that the above is a true copy of the order made by the said trustees, for the purposes therein mentioned.

Dated this

day of

17

*A. B.*N^o. XVII.

Agreement by subscription for advancing money to make and repair a turnpike road or highway.

WE whose names are subscribed, do agree to advance and pay the several sums wrote by us, opposite to our names, unto to be laid out and expended in the making and repairing a certain highway leading from to after an act of parliament shall be obtained for making the same turnpike road, upon having the tolls to be collected upon such turnpike road assigned and made over to us, as a security for the respective sums so to be advanced by us, together with interest for the same, after the rate of *per centum per annum*, which sums we do hereby severally agree to pay by installments, in the following manner, *videlicet*, one fourth part thereof on the day of next, one other fourth part, (&c. &c. &c.)

Dated this

day of

17

N^o. XVIII.

Warrant from a justice of peace to enter the toll-gate house, and remove the persons therein.

Middlesex. *To the* (constable) headborough) tythingman) of *in the said county.*

WHEREAS complaint hath been made unto me *A. B.* esquire, one of his Majesty's justices of the peace for the said county, upon the oath of and other evi-

evidence now produced to me, that *C. D.* who now inhabits the turnpike or toll-gate house at _____ upon the turnpike road leading from _____ to

and was appointed to collect the tolls there, hath been duly discharged by the trustees of the said turnpike road from any further collecting or receiving the tolls arising at the said gate, and hath refused, and still doth refuse, to quit the possession of the said house; and the said *C. D.* having been summoned to appear before me this day, to shew cause why he should not be removed from the said house, and having shewn no sufficient cause for that purpose, I do hereby authorise and require you, with such assistance as shall be necessary, to enter into the said toll-house or turnpike-house, and the buildings belonging thereto, in the day-time, and to remove the said *C. D.* and all such persons as shall be found therein, together with his and their goods, out of such house and buildings, and to put *E. F.* the person lately appointed by the trustees to collect such tolls, into the possession thereof, for which this shall be your sufficient warrant.

Given under my hand and seal this _____ day
of _____ 17 _____

N^o. XIX.

Notice for contracts to be made, for getting and carrying materials.

NOTICE is hereby given, that *A. B.* surveyor of the turnpike road, lying between _____ and _____ will, on the _____ day of _____ next, at the hour of _____ in the _____ noon, let the getting of _____ (tons) of gravel, or _____ (tons) of stone, to be got at a pit at _____ for the use of the said turnpike road, and will also let the carriage of the said gravel (or stone) from the said pit to _____ where the same is to be used and employed upon the said turnpike road; and all persons desirous of entering into a contract with the said surveyor, either for getting or carrying the said materials, are desired to attend at the time and place before mentioned.

Dated this _____ day of _____ 17 _____ *A. B.*

N^o. XX.

Bond from the surveyor.

WE *A. B.* surveyor of the turnpike roads, under an act, passed in the _____ year of the reign of King George the _____ for [state the principal part of the title of the act] and *C. D.* of _____ are bound to *E. F.* of _____ in the sum of _____ pounds, to be paid to the said *E. F.* his executors, ad-

Anno decimo tertio GEORGII III. c.84. [1773.
administrators, or assigns, for which payment we hereby bind
ourselves severally, and each of our heirs, executors, and admin-
istrators.

Dated the day of 17

The condition of this bond is such, that if the said *A. B.* his
executors, or administrators, shall duly and faithfully account
for, apply, and pay all and every the sum and sums of money,
which hath come, or shall come, to his hands as surveyor of the
turnpike road aforesaid, according to the direction and true in-
tent and meaning of the said act, and of the statute, made in the
thirteenth year of the reign of his majesty King *George* the Third,
for regulating the turnpike roads, then this bond to be void, or else
to remain in full force.

(The bond from the treasurer will be in the same form).

N^o. XXI.

Summons for any person or persons to attend a justice or
justices.

Middlesex. To *A. B.* of

WHEREAS complaint and information hath been made
upon oath before me *C. D.* one of his Majesty's justices
of the peace for the said county, &c.) by *E. F.* of
that, &c. *[here state the nature and circumstances of the case, as far as
it shall be necessary to shew the offence, and to bring it within the au-
thority of the justice; and, in doing that, follow the words of the act as
near as may be]* These are therefore to require you personally to
appear before me, *(or the justices to be assembled at their special sessions,
to be holden)* at in the said *(county, &c.)* on the
day of next, at the hour of
in the noon, to answer to the said complaint and infor-
mation made by the said *E. F.* who is likewise directed to be
then and there present, to make good the same: herein fail not.

Given under my hand and seal, this
day of 17

N^o. XXII.

Information.

Middlesex. **B**E it remembered, That on the
day of 17 *A. B.* of
in the said county, informeth, and maketh
oath before me one of his Majesty's
justices of the peace for the said county, that of

of in the said county, [*here describe the offence particularly, and follow the words of the act as near as may be*] contrary to the statute, made in the thirteenth year of the reign of King George the Third, for regulating the turnpike roads, which hath imposed a forfeiture of for the said offence.

Taken and sworn the day } A. B.
of before me }

N^o. XXIII.

Form of conviction.

Middlesex. **B**E it remembered, that on the day of in the year of our Lord, 17 at in the county aforesaid, A. B. came before me C. D. esquire, one of his Majesty's justices of the peace for the said county, and informed me, that E. F. of on the day of now last past, at in the said county, did [*here set forth the fact, in the manner described by the statute*] whereupon the said E. F. after being duly summoned to answer the said charge, appeared before me on the day of at in the said county; and having heard the charge contained in the said information, declared, that he was not guilty of the said offence; but the same being fully proved, upon the oath of G. H. a credible witness, it manifestly appears to me the said justice, that he the said E. F. is guilty of the offence charged upon him in the said information; it is therefore considered and adjudged by me, the said justice, that he the said E. F. be convicted, and I do hereby convict him of the offence aforesaid; and I do hereby declare and adjudge that he, the said E. F. hath forfeited the sum of of lawful money of Great Britain for the offence aforesaid, to be distributed as the law directs, according to the form of the statute in that case made and provided.

Given under my hand and seal, the day of
17

After the words "being duly summoned to answer to the said charge," insert, (*did not appear before me, pursuant to the said summons;*) or, (*did neglect and refuse to make any defence against the said charge; but the same being fully proved, &c.*) as before. This to be inserted where the party refuses to appear upon the summons.

After the words "contained in the said information," insert, (*acknowledged, and voluntarily confessed the same to be true, and it manifestly appears to me, the said justice, &c.*) as above. This to be inserted when the party accused confesses the charge.

N^o.

N^o. XXIV.

Warrant to distrain for the forfeiture.

Middlesex. *To the* (constable) headborough) or, tithingman)
of

WHEREAS *A. B.* of _____ in the said county,
 is this day convicted before me, *C. D.* esquire, one of his
 Majesty's justices of the peace in and for the said county, upon
 the oath of *G. H.* a credible witness, for that the said *A. B.* hath,
[here set forth the offence, describing it particularly in the words of the
statute, as near as may be], contrary to the statute in that case made
 and provided, by reason whereof the said *A. B.* hath forfeited the
 sum of _____ to be distributed as herein is mentioned, which
 he hath refused to pay : these are therefore, in his Majesty's name,
 to command you to levy the said sum of _____ by distress of the
 goods and chattels of him the said *A. B.* and if within the space
 of four days next after such distress by you taken, the said sum,
 together with the reasonable charges of taking and keeping the
 same, shall not be paid, that then you do sell the said goods
 and chattels so by you distrained, and out of the money arising
 by such sale, that you do pay one half of the said sum of _____
 to *E. F.* of _____ who informed me
 of the said offence, and the other half of the said sum of _____
 to *J. K.* the surveyor of the turnpike road,
(describing it), where the said offence, *(neglect, or (default,))* hap-
 pened, to be employed towards the repair of the said road, re-
 turning the overplus, on demand to him the said *A. B.* (the rea-
 sonable charges of taking, keeping, and selling the said distress,
 being first deducted) ; and if sufficient distress cannot be found
 of the goods and chattels of the said *A. B.* whereon to levy the
 said sum of _____ that then you certify the same to
 me, together with this warrant.

This to be
 varied accord-
 ing to the di-
 rection of the
 act in each
 particular
 case.

Given under my hand and seal, the _____ day
 of _____ 17____

C. D.

N^o. XXV.

Return of the constable to be made upon the warrant of
 distress, where there are no effects.

I *A. B.* constable of the *(parish, &c.)* of _____ of
 in the county of _____ do hereby certify and make
 oath, that, by virtue of this warrant, I have made diligent
 search for the goods of the within named _____
 and that I can find no sufficient goods whereon to levy the with-
 in _____

Dated the

day of

17

C. D.

C A P. LXXXV

An Act for dividing and inclosing the open arable fields, meadows, pastures, and commons, or waste grounds, in the township of Goudall, in the parish of Snaith, in the county of York; and for draining and preserving the same.

C A P. LXXXVI.

An Act for improving and completing the navigation of that branch of the river Trent which runs by the town of Newark upon Trent, from a place called The Upper Wear, in the parish of Averham, in the county of Nottingham, to a place called The Crankleys, in the parish of South Muskham, in the said county.

C A P. LXXXVII.

An Act for enlarging the term and powers of an act, made in the twenty-seventh year of the reign of his late Majesty, for repairing the road from the toll-gate in the parish of Kettering, in the county of Northampton, to Newport Pagnell, in the county of Bucks.

C A P. LXXXVIII.

An act to continue the term and alter the powers of an act, made in the twenty-sixth year of the reign of his late majesty King George the Second, for repairing and widening the roads leading from a place called Basingstone, near the town of Bagthot, in the parish of Windlesham, in the county of Surrey, through Frimley and Farnham, in the same county, and from thence through Bentley, Hollyborn, Alton, Chawton, Ropley, Bishops Sutton, New Alresford, and Mattingley, otherwise Matterley Lane, to the city of Winchester, in the county of Southampton.

C A P. LXXXIX.

An act to enlarge the powers of two acts, made in the twenty-fifth year of King George the Second, and sixth year of King George the Third, for repairing the roads from the north end of Malling-street, near the town of Lewes, and other roads in the county of Sussex; and for amending the road from the Broil-park Gate, to the west end of the turnpike road leading from the turnpike road on Hurst Green, through the parishes of Etchingham and Burwash, and from the said Broil-park Gate to the town of Battell, in the said county, so far as relates to the road from the Broil-park Gate to the west end of the turnpike road leading from the turnpike road on Hurst Green, through the parishes of Etchingham and Burwash aforesaid.

CAP.

C A P. XC.

An act for repairing and widening the road from Newark upon Trent, in the county of Nottingham, to join the turnpike road from Nottingham to Grantham, in the county of Lincoln, near the Guide-post on the Foss road near Bingham, in the said county of Nottingham.

C A P. XCI.

An act for enlarging the term and powers of an act of parliament of the twenty-seventh year of the reign of his late majesty King George the Second, for repairing and widening the road from the city of Peterborough, through Oundle and Thrapston, to Wellingborough, in the county of Northampton, and for repairing and widening several other roads near or adjoining thereto.

C A P. XCII.

An act for continuing the term and enlarging the powers of an act, made in the twenty-second year of his late Majesty's reign, for repairing and widening the road leading from The Well at the north-west end of the town or village of Farnborough, in the county of Kent, to a place called River Hill, in the parish of Seven Oakes, in the said county.

C A P. XCIII.

An act for making and continuing a navigable cut or canal from Maugan Porth, through the several parishes of Maugan, Saint Colomb Major, Little Colan, and Saint Colomb Minor, to Lower Saint Colomb Porth, in the county of Cornwall.

C A P. XCIV.

An act for enlarging the terms and powers of two acts, of the tenth and twenty-first years of the reign of his late majesty King George the Second, for repairing the road from Hertford Bridge Hill to the town of Basingstoke, and also the road from Hertford Bridge Hill aforesaid to the town of Odiham, in the county of Southampton.

C A P. XCV.

An act for enlarging the term and powers granted by an act, passed in the twenty-ninth year of the reign of his late Majesty, for repairing and widening the roads leading from the town of Kinton, in the county of Hereford, through the Welch Hall Lane, as far as the same county extends; and the several roads leading from Kington aforesaid to Brilleys's Mountain, to Eardisley, to Almley, to Eckley's Green, to Eardisland, to Staple Bar, and to Milton House, in the said county; and for amending the road from the turnpike road in the parish of Eardisley to Willersley turnpike gate, in the said parish.

C A P. XCVI.

An act for enlarging the term and varying the powers granted by an act, passed in the twenty-second year of the reign of his late Majesty, for repairing and widening the several roads leading into the town of Ross, in the county of Hereford.

C A P.

C A P. XCVII.

An act for enlarging the terms and powers of three acts, passed in the third, seventeenth, and thirtieth years of the reign of his late majesty King George the Second, for repairing the road leading from a gate called Shipston toll-gate, at Bridgetown, in the parish of Old Stratford, in the county of Warwick, through Alderminster and Shipston upon Stower, to the top of Long Compton hill, in the said county of Warwick; and also for repairing the road leading from the first mile-stone standing on the said Shipston road, through a lane called Clifford Lane, and through Mickleton, and Chipping Campden, to a place called Andover's Ford, in the county of Gloucester, as far as the same relate to the said first-mentioned road.

C A P. XCVIII.

An act for repairing the road from the Royal Oak, on Wrotham Heath, to the town of Wrotham, in the county of Kent, and from thence to Foots Cray; and from the said Royal Oak to the town of Maidstone, in the said county.

C A P. XCIX.

An act for enlarging the terms and powers of two acts of the twentieth and twenty-sixth years of the reign of his late Majesty, for repairing the high road leading from the city of Durham, in the county of Durham, to Tyne Bridge, in the said county.

C A P. C.

An act to enlarge the term and powers of an act, made in the fifth year of his present Majesty, for repairing and widening the road from Newcastle under Line to Haslop, and from Middle-hills to the Macclesfield turnpike road near Buxton, and also the road branching out of the first-mentioned road at Cobridge to Burflem, and to the Uttoxeter turnpike road at Shelton, in the county of Stafford, and for amending several other roads adjoining thereto.

C A P. CI.

An act for continuing the term, and enlarging the powers of an act, made in the seventeenth year of the reign of his late majesty King George the Second, for repairing the road from Cherill, through Calne, to Studley Bridge, and from Cherill, to the Three Mile Burrough, at the top of Cherill Hill, in the county of Wilts.

C A P. CII.

An act for continuing the term, and enlarging the powers of an act, passed in the eighth year of his present Majesty's reign, for repairing and widening the road from the way-post, in the parish of Hardingston, in the county of Northampton, to Old Stratford, in the said county.

C A P. CIII.

An act for continuing and enlarging the terms and powers of two acts, made in the thirty-first year of his late Majesty, and ninth year of his present

present Majesty's reign, for repairing several roads in the counties of Montgomery, Merioneth, and Salop; and for repairing several other roads therein mentioned.

C A P. CIV.

An act to enlarge the powers of two acts, made in the eighth and eleventh years of the reign of his present Majesty, for making and maintaining a navigable cut or canal, from the firth or river of Forth, at or near the mouth of the river Carron, in the county of Stirling, to the firth or river of Clyde, at or near a place called Dalmuir Burnfoot, in the county of Dumbarton, and also a collateral cut from the same to the city of Glasgow; and for making a navigable cut or canal of communication from the port and harbour of Borrowstounness, to join the said canal, at or near a place where it will fall into the firth of Forth.

C A P. CV.

An act for amending, widening, and keeping in repair, the road from the Guide-post at the west end of the town of Hampton, over Sunbury Common, to the town of Staines, in the county of Middlesex.

C A P. CVI.

An act for enlarging and altering the terms and powers of two several acts, made in the thirteenth year of the reign of King George the First, and in the fifteenth year of the reign of King George the Second, for repairing the roads leading from the town of Bromesgrove to the town of Dudley, in the county of Worcester, and from the said town of Bromesgrove to the town of Birmingham, in the county of Warwick, so far as the said acts relate to the repairing of the said road, leading from the town of Bromesgrove to the town of Dudley.

C A P. CVII.

An act for enlarging and altering the term and powers of an act, made in the twenty-sixth year of the reign of King George the Second, for repairing the roads leading from the market-house in Stourbridge, and other roads therein mentioned, in the counties of Worcester, Stafford, Salop, and Warwick, respectively.

C A P. CVIII.

An act for repairing and widening the road from the north turnpike road near Scot Gate, otherwise Sco Gate, in the town of Stamford, in the county of Lincoln, to Oakham, in the county of Rutland, and from Oakham, through Burley, to a gate on the north side of a certain close, in the said lordship of Burley, called Booth's Close, adjoining to the open fields of Cotteshmore, in the said county of Rutland.

C A P. CIX.

An act for more effectually amending several roads leading from the city of Exeter, and for rebuilding or repairing Exe Bridge, and making the avenues leading thereto more commodious; and for building

Anno decimo tertio GEORGII III. C. 110—114. [1773.
*ing a bridge over the river Exe, at or near Countess Wear; and
 for amending several other roads therein mentioned.*

C A P. CX.

*An act to enlarge the term and powers of an act, passed in the sixth
 year of his present Majesty's reign, intituled, An act for repairing
 and widening the road from the present turnpike road at Ha-
 verhill to Redcross, in the parish of Shelford, in the county of
 Cambridge.*

C A P. CXI.

*An act for building a bridge over the river Towey, near Llandovery,
 in the county of Carmarthen; and for making the fords near the
 said town safe and commodious.*

C A P. CXII.

*An act for more effectually amending several roads leading from and
 near the borough of Truro, in the county of Cornwall, and for
 building a bridge over the river, at a place called The Steppings,
 in or near the said borough.*

C A P. CXIII.

*An act for building a bridge across the river Severn, near Redstone,
 in the county of Worcester, and for making proper avenues and
 roads to and from the same; and for making satisfaction to the pro-
 prietors of a ferry across the said river, at Redstone aforesaid.*

C A P. CXIV.

*An act for enlarging the term and powers of three acts, passed in the
 first, ninth, and twenty-second years of the reign of his late majesty
 King George the Second, for repairing and enlarging the road lead-
 ing from the house called The Sign of the Bells, in the parish of
 Saint Margaret, in Rochester, to Maidstone, and other roads
 therein mentioned, in the county of Kent.*

End of the SIXTH Session.

THE

tatutes at Large,

Anno decimo quarto GEORGII III. Regis.

Being the SEVENTH Session of the

Thirteenth Parliament of GREAT BRITAIN.

BY

DANBY PICKERING, of GRAY'S INN, Esq;

VOL. XXX. PART II.

Z

A
T A B L E
O F T H E
S T A T U T E S
P U B L I C K and P R I V A T E,

Passed *Anno decimo quarto*

GEORGI II I I I. *Regis.*

P U B L I C K A C T S.

Cap. 1. **F**OR granting an aid to his Majesty by a land tax to be raised in *Great Britain*, for the service of the year one thousand seven hundred and seventy-four.

Cap. 2. For continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and seventy-four.

Cap. 3. For punishing mutiny and desertion; and for the better payment of the army and their quarters.

Cap. 4. For the regulation of his Majesty's marine forces while on shore.

Cap. 5. To allow the exportation of corn, grain, and other articles, to his Majesty's sugar colonies in *America*; and to extend the provisions of an act made in the last session of parliament, (intituled, *An act to regulate the importation and exportation of corn*), allowing the exportation of wheat, meal, flour, rye, barley, or malt, to the islands of *Guernsey* and *Jersey*, to bread, biscuit, and pease; and to allow the exportation of all the said articles to the island of *Alderney*.

Cap. 6. For further continuing two acts, made in the sixth and ninth years of his Majesty's reign, for punishing mutiny and desertion, and for the better payment of the army and their quarters, in his Majesty's dominions in *America*.

Cap. 7. For better paying, cleansing, and lighting, the
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streets, lanes, and public passages, in the town of *Cardiff*, and liberties thereof, in the county of *Glamorgan*, and for removing and preventing nuisances and annoyances therein.

Cap. 8. To explain and amend two acts, made in the tenth and twelfth years of his present Majesty's reign, for paving, lighting, and watching, the town of *Plymouth*, in the county of *Devon*; and for regulating the carmen and porters within the said town.

Cap. 9. To continue for a further time an act, made in the eighth year of his present Majesty's reign, intituled, *An act to continue and amend an act, made in the fifth year of the reign of his present Majesty, intituled, An act for importation of salted beef, pork, bacon, and butter, from Ireland, for a limited time, and for allowing the importation of salted beef, pork, bacon, and butter, from the British dominions in America, for a limited time.*

Cap. 10. For reducing the duty payable upon the exportation of *Gum Senega*, granted by an act, made in the fifth year of the reign of his present Majesty, (intituled, *An act for laying certain duties upon Gum Senega and Gum Arabic, imported into or exported from Great Britain, and for confining the exportation of Gum Senega from Africa to Great Britain only*).

Cap. 11. To allow the exportation of a limited quantity of biscuit and pease to the island of *Newfoundland*, for the benefit of the *British* fishery there.

Cap. 12. For vesting a piece of waste ground within, and parcel of, the manor of *Clapham*, in the county of *Surrey*, in trustees, and for enabling them to build a new parish church thereon.

Cap. 13. For enabling *Sir John Ramsden*, baronet, to make and maintain a navigable canal, from the river *Calder* (between a bridge called *Cooper's Bridge* and the mouth of the river *Colne*) to *The King's Mill*, near the town of *Huddersfield*, in the west riding of the county of *York*.

Cap. 14. To repeal a clause in an act, made in the thirteenth year of his present Majesty's reign, intituled, *An act to explain, amend, and reduce into one act of parliament, the general laws now in being for regulating the turnpike roads in that part of Great Britain called England, and for other purposes*; which regulates the width of the wheels, and the length of carriages liable to be weighed; and for indemnifying persons who have offended against the said clause.

Cap. 15. For making perpetual two acts, passed in the tenth and eleventh years of the reign of his present Majesty, for regulating the trials of controverted elections, or returns of members to serve in parliament.

Cap. 16. For amending and rendering more effectual an act, made in the thirtieth year of the reign of his late majesty King *George the Second*, (intituled, *An act for draining and preserving certain fen lands, low grounds, and commons, in the townships or hamlets of March and Wimblington, and in the parish of Upwell, in the Isle of Ely, and county of Cambridge*;) so far as the same relates

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relates to the several fen lands and low grounds lying in the sixth district, in the said act described.

Cap. 17. For appointing commissioners to put in execution an act of this session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and seventy-four*, together with those named in two former acts for appointing commissioners of the land tax.

Cap. 18. For defraying the charge of the pay and cloathing of the militia in that part of *Great Britain* called *England*, for one year, beginning the twenty-fifth day of *March*, one thousand seven hundred and seventy-four.

Cap. 19. To discontinue, in such manner, and for such time, as are therein mentioned, the landing and discharging, lading or shipping, of goods, wares, and merchandise, at the town, and within the harbour, of *Boston*, in the province of *Massachusetts Bay*, in *North America*.

Cap. 20. For the relief of prisoners charged with felony, or other crimes, who shall be acquitted or discharged by proclamation, respecting the payment of fees to gaolers, and giving a recompence for such fees out of the county rates.

Cap. 21. For more effectually carrying into execution certain proposals, made by the most noble *Henry Duke of Buccleugh*, the most noble *Charles Duke of Queensberry and Dover*, and others, for redeeming the annuities granted by the company of the bank of *Ayre*, in that part of *Great Britain* called *Scotland*, known under the firm of *Douglas, Heron, and Company*.

Cap. 22. To enable his Majesty to grant unto major general *Simon Frazer* the lands and estate of the late *Simon lord Lovat*, upon certain terms and conditions.

Cap. 23. For amending and rendering more effectual several acts of parliament of the sixteenth and seventeenth, and twenty-second years of King *Charles the Second*, and of the eleventh year of his late Majesty, for draining and preserving certain lands called *Deeping Fens*, in the county of *Lincoln*.

Cap. 24. For paving, repairing, lighting, and watching, the streets, and other public passages and places within that part of the parish of *Clerkenwell* called *Saint James's*, and removing obstructions and annoyances therein; for widening the passage from *Clerkenwell Green* to the parish church; and for watching and lighting certain highways within the said parish.

Cap. 25. For the more effectual preventing frauds, and embezzlements, by persons employed in the woollen manufactory.

Cap. 26. To allow the exportation of a limited quantity of wheat-meal or flour, oats, oatmeal, groats, barley, pease, beans, malt, and biscuit, to *Hudson's Bay*, in *North America*, for the benefit of the *Hudson's Bay Company*, and their servants residing there.

Cap. 27. For fixing and regulating a public market and shambles for the sale of meat within the town and borough of *Swansea*, in the county of *Glamorgan*.

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Cap. 28. To continue an act, made in the twenty-second year of the reign of his late majesty King *George* the Second, for laying a duty of two pennies *Scots*, or one-sixth part of a penny *Sterling*, upon every *Scots* pint of ale and beer, which shall be brewed for sale, brought into, tapped, or sold, within the town of *Kinghorn*, and liberties thereof.

Cap. 29. For the better relief and employment of the poor within the parish of *Saint Leonard, Shoreditch*, in the county of *Middlesex*, and for building a workhouse, and for purchasing a piece of land for a burial ground, for the use of the said parish.

Cap. 30. For providing a workhouse, and for better governing, regulating, and maintaining the poor, withing the *Old Artillery Ground*, in the liberty of the *Tower of London*; and for paving, cleansing, lighting, and watching, the streets, lanes, and other open passages and places within the same; and for preventing obstructions and annoyances therein.

Cap. 31. For repairing the highways and bridges in the county of *Fife*.

Cap. 32. To enable the governor and company of the bank of *Scotland* to encrease the capital stock of the said company.

Cap. 33. For dividing and inclosing the open fields, meadows, stinted common pastures, and other common and waste lands and grounds, in the parish of *Tetney*, in the county of *Lincoln*; and for draining and improving part of the said parish.

Cap. 34. For granting further time to the united company of merchants of *England*, trading to the *East Indies*, to expose to sale the singlo and bohea teas remaining in their warehouses unsold, on the fifth day of *April*, one thousand seven hundred and seventy-four; and for allowing the drawbacks on the exportation of such teas.

Cap. 35. To enable the commissioners for executing the office of treasurer of his Majesty's exchequer, or the lord high treasurer for the time being, to compound certain debts due to his Majesty, and affecting the estates heretofore of *Charles Mason*, esquire, deceased, in the counties of *Montgomery* and *Salop*; and, upon payment of such composition, to discharge and exonerate the said estates therefrom.

Cap. 36. To explain and amend an act, made in the thirteenth year of his present Majesty's reign, intituled, *An act to explain, amend, and reduce into one act of parliament, the general laws now in being for regulating the turnpike roads in that part of Great Britain called England, and for other purposes*; so far as the same relates to the continuing and granting an additional term of five years to acts made for amending turnpike roads.

Cap. 37. For allowing further time for inrolment of deeds and wills made by papists, and for relief of protestant purchasers.

Cap. 38. For paving, repairing, cleansing, and lighting, the streets and lanes in the city of *Hereford*, and suburbs thereof, and removing nuisances and annoyances therein, and for creating a fund towards the expences thereof, by inclosing divers

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waste grounds within the liberties of the said city, and for the better application of charity-money for setting the poor people of the said city to work, and to enable bodies corporate to alienate their houses and lands within the said city.

Cap. 39. For the impartial administration of justice in the cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults, in the province of *Massachusetts Bay*, in *New England*.

Cap. 40. For divesting out of the crown the plantation and estate of *Ulysses Fitzmaurice* esquire, deceased, and for vesting the same in trustees, to be sold for payment of his debts, and for other purposes therein mentioned.

Cap. 41. For further continuing so much of two acts, made in the sixth and thirteenth years of the reign of his present Majesty, as relates to the opening and establishing certain free ports in the island of *Jamaica*.

Cap. 42. To prohibit the importation of light silver coin, of this realm, from foreign countries, into *Great Britain* or *Ireland*; and to restrain the tender thereof beyond a certain sum.

Cap. 43. For rebuilding the offices of the six clerks of the King's court of chancery; and for erecting offices for the register and accountant general of the said court, for the better preserving the records, decrees, orders, and books of account, kept in such offices.

Cap. 44. To amend an act, made in the twenty-second year of the reign of his late majesty King *George the Second*, intituled, *An act for the more effectual preventing of frauds and abuses committed by persons employed in the manufacture of hats, and the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair, and silk manufactures; and for preventing unlawful combinations of journeymen dyers and journeymen hot pressers, and of all persons employed in the said several manufactures; and for the better payment of their wages.*

Cap. 45. For the better regulating the government of the province of *Massachusetts Bay*, in *New England*.

Cap. 46. To enable the commissioners for executing the office of treasurer of his Majesty's exchequer, or the lord high treasurer for the time being, to pay out of the revenue of the crown, certain rewards for apprehending highwaymen, and other offenders in the county palatine of *Durham*.

Cap. 47. To indemnify such persons as have omitted to qualify themselves for offices and employments; and to indemnify justices of the peace, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for those purposes; and to indemnify members and officers, in cities, corporations, and borough towns, whose admissions have been omitted to be stamped according to law, or, having been stamped, have been lost or mislaid; and for allowing them time to provide admissions duly stamped; and to give further time to such persons as have omitted

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fed to make and file affidavits of the execution of indentures of clerks to attornies and solicitors.

Cap. 48. For regulating insurances upon lives, and for prohibiting all such insurances, except in cases where the persons insuring shall have an interest in the life or death of the persons insured.

Cap. 49. For regulating madhouses.

Cap. 50. To enable certain persons, during the minority of Sir *John Saint Aubyn* baronet, to renew and grant leases of lands, and to sell other lands, all at *Plymouth Dock*, in the county of *Devon*, for the use of his Majesty, his heirs and successors.

Cap. 51. To confirm certain sales and purchases of estates, made by the governors of the free grammar school of King *Edward* the Sixth, in *Macclesfield*, in the county of *Chester*; to enable them to make other sales, purchases, and exchanges; and to improve and extend the benefits of the foundation of the said school.

Cap. 52. To enable the inhabitants of *Grosvenor Square*, in the county of *Middlesex*, to pave, cleanse, light, water, and embellish the said square; and for other purposes therein mentioned.

Cap. 53. For making a navigable cut or canal, from the port or harbour of *Bude*, in the hundred of *Stratton*, in the county of *Cornwall*, to the river *Tamer*, in the parish of *Calstoke*, in the said county.

Cap. 54. For the better providing suitable quarters for officers and soldiers in his Majesty's service in *North America*.

Cap. 55. For making commodious ways and passages within the parish of *Saint Stephen*, in the city of *Bristol*; and for enlarging the burying ground belonging to the said parish.

Cap. 56. For making and establishing public quays or wharfs at *Kingston upon Hull*, for the better securing his Majesty's revenues of customs, and for the benefit of commerce in the port of *Kingston upon Hull*; for making a basin or dock, with reservoirs, sluices, roads, and other works, for the accommodation of vessels using the said port; and for appropriating certain lands belonging to his Majesty, and for applying certain sums of money out of his Majesty's customs at the said port for those purposes; and for establishing other necessary regulations within the town and port of *Kingston upon Hull*.

Cap. 57. To repeal so much of an act, made in the last session of parliament, for reducing into one act the general laws relating to turnpike roads, as exempts persons from the payment of tolls at side gates erected at places specified in any act of parliament.

Cap. 58. For repealing an act, made in the first year of the reign of King *Henry* the fifth; and so much of several acts of the eighth, tenth, and twenty-third years of King *Henry* the Sixth, as relates to the residence of persons to be elected members

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bers to serve in parliament, or of the persons by whom they are to be chosen.

Cap. 59. For preserving the health of prisoners in gaol, and preventing the gaol distemper.

Cap. 60. For indemnifying the innkeepers and victuallers within the hundred of *Gadley*, in the county of *Surrey*, against the penalties to which they are or may be liable, for selling ale, beer, wine, or spirituous liquors, without proper licences, upon certain conditions.

Cap. 61. To explain and amend two several acts of parliament, for erecting hospitals and workhouses within the city and county of the city of *Exon*, for the better employing and maintaining the poor there; and to raise further sums of money for the more effectually carrying the purposes of the said acts into execution.

Cap. 62. For better governing and employing the poor, and making and collecting the poor's rates, within the parishes of *Saint Giles in the Fields*, and *Saint George Bloomsbury*, in the county of *Middlesex*.

Cap. 63. For building a bridge cross the river *Air*, at *Carlton*, in the west riding of the county of *York*.

Cap. 64. To explain so much of an act, made in the last session of parliament, (intituled, *An act to regulate the importation and exportation of corn*), as relates to the method of ascertaining the prices of corn and grain exported.

Cap. 65. To alter and amend an act, passed in the twenty-fifth year of the reign of his late majesty King *George the Second*, (intituled, *An act for annexing certain forfeited estates in Scotland to the crown unalienably; and for making satisfaction to the lawful creditors thereupon; and to establish a method of managing the same, and applying the rents and profits thereof for the better civilizing and improving the highlands of Scotland, and preventing disorders there for the future*); so far as the same relates to the granting leases of the said estates.

Cap. 66. For the repeal of all former acts concerning the longitude at sea, except so much thereof as relates to the appointment and authority of the commissioners thereby constituted, and also such clauses as relate to the constructing, printing, publishing, vending, and licensing, of nautical almanacks, and other useful tables; and for the more effectual encouragement and reward of such person and persons as shall discover a method for finding the same, or shall make useful discoveries in navigation; and for the better making experiments relating thereto.

Cap. 67. To continue the several laws therein mentioned, for granting liberty to carry rice from his Majesty's provinces of *Carolina* and *Georgia*, in *America*, directly to any part of *Europe*, southward of *Cape Finisterre*; for granting the like liberty to export rice from *South Carolina* and *Georgia* directly, to any part of *America*, to the southward of the said provinces; for granting the like liberty in the exportation of rice from *East*

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and *West Florida*, and from any part of *America*, southward of *South Carolina* and *Georgia*.

Cap. 68. To prevent frauds in the buying and selling of hops.

Cap. 69. For raising a certain sum of money by loans or exchequer bills, for the service of the year one thousand seven hundred and seventy-four.

Cap. 70. For applying a certain sum of money, for calling in, and recoinage, the deficient gold coin of this realm; and for regulating the manner of receiving the same at the bank of *England*; and of taking, there, an account of the deficiency of the said coin, and making satisfaction for the same; and for authorising all persons to cut and deface all gold coin, that shall not be allowed to be current by his Majesty's proclamation.

Cap. 71. To prevent the exportation to foreign parts of utensils made use of in the cotton, linen, woollen, and silk manufactures of this kingdom.

Cap. 72. For ascertaining the duty on printed, painted, stained, or dyed stuffs, wholly made of cotton, and manufactured in *Great Britain*, and for allowing the use and wear thereof, under certain regulations.

Cap. 73. To extend so much of an act, passed in the twelfth year of the reign of his present Majesty, as relates to distillers or makers of low wines and spirits from corn, to every kind of distiller; and for the more effectual securing the revenue of excise arising from low wines and spirits; and for ascertaining the allowance to be made to the manufacturers of wool and linen, in respect of the duties on soap imported and used in the woollen and linen manufactures.

Cap. 74. For reducing the rates and duties payable upon the importation of great raisins.

Cap. 75. For enlarging the present, or providing a new workhouse, for the use of the parish of *Saint Saviour Southwark*, and for regulating the poor in such workhouse; for widening *King Street*, at the entrance into the *High Street*, *Southwark*, for making a carriage way from the said *High Street*, through the *Greyhound Inn*, into *Queen Street*, and for improving the passage from thence into *Gravel Lane*, leading towards the *Black Friars Bridge* road, in the parish of *Christ Church*.

Cap. 76. For redeeming the sum of one million of the capital stocks of three pounds *per centum* annuities, in the manner, and on the terms, therein mentioned; and for establishing a lottery.

Cap. 77. For the relief of insolvent debtors; and for the relief of bankrupts in certain cases.

Cap. 78. For the further and better regulation of buildings, and party-walls; and for the more effectually preventing mischiefs by fire within the cities of *London* and *Westminster*, and the liberties thereof, and other the parishes, precincts, and places, within the weekly bills of mortality, the parishes of *Saint Mary-le-bon*, *Paddington*, *Saint Pancras*, and *Saint Luke*

at

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at *Chelsea*, in the county of *Middlesex*; and for indemnifying, under certain conditions, builders and other persons against the penalties to which they are or may be liable for erecting buildings within the limits aforesaid contrary to law.

Cap. 79. For explaining an act, made in the twelfth year of the reign of *Queen Anne*, intituled, *An act to reduce the rate of interest, without any prejudice to parliamentary securities.*

Cap. 80. To continue the several laws therein mentioned, for the better encouragement of the making of sale cloth in *Great Britain*; and for securing the duties upon foreign-made sail cloth, and charging foreign-made sails with a duty.

Cap. 81. For altering and amending an act, made in the sixteenth year of his late Majesty's reign, intituled, *An act to explain and amend the laws touching the election of members to serve for the commons in parliament for that part of Great Britain called Scotland; and to restrain the partiality, and regulate the conduct, of returning officers at such elections*, by altering the time of notice, ordered by the said act to be given, in the service of complaints to the court of session, of wrongs done in elections, and by regulating the manner, and settling the place, of election of a burghers to serve in parliament for a district of boroughs in *Scotland*, when the election of the magistrates and council of a borough, which ought in course to be the presiding borough at an election, happens to be reduced, and made void, by a decree of the court of session, and not revived by the crown, when such election is made.

Cap. 82. For explaining and altering an act, made in the thirteenth year of his present Majesty's reign, intituled, *An act to explain and amend, and reduce into one act of parliament, the general laws now in being for regulating of turnpike roads in that part of Great Britain called England, and for other purposes; so far as the same relates to the payment of additional tolls at weighing engines, and the number of horses to be used in carriages drawn on turnpike roads; and for allowing certain exemptions with respect to weight and payment of toll in particular cases.*

Cap. 83. For making more effectual provision for the government of the province of *Quebec*, in *North America*.

Cap. 84. To prevent certain inconveniences that may happen by bills of naturalization.

Cap. 85. For granting to his Majesty a certain sum of money out of the sinking fund; and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and seventy-four; and for further appropriating the supplies granted in this session of parliament, for carrying to the aggregate fund a sum of money which hath arisen by the two sevenths excise; and for enabling the barons of the exchequer in *Scotland* to make out a certificate for the payment of the sum of five hundred pounds to lady *Anne Mackenzie*, out of the balance remaining of the sum of seventy-two thousand pounds,

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pounds, granted for paying the creditors' of the forfeited estates in *Scotland*.

Cap. 86. To continue several laws therein mentioned, relating to the allowing a drawback of the duties upon the exportation of copper bars imported; to the clandestine running of uncustomed goods, and preventing frauds relating to the customs; to the encouragement of the silk manufactures, and for taking off several duties on merchandise exported, and reducing other duties; to prevent the clandestine running of goods, and the danger of infection thereby; to the premiums upon masts, yards, and bowsprits, tar, pitch, and turpentine; to the encouraging the growth of coffee in his Majesty's plantations in *America*; to the free importation of cochineal and indico; to the prohibiting the importation of books reprinted abroad, and first composed, written, and printed in *Great Britain*; to the bounty on the exportation of *British*-made cordage; to the free importation of certain raw hides and skins from *Ireland*, and the *British* plantations in *America*; to the regulating the fees of officers of the customs, and naval officers in *America*; to the preventing the spreading of the contagious disorder among the horned cattle in *Great Britain*; and to extend the provisions of an act of the twelfth year of the reign of King *George* the First, for the improvement of his Majesty's revenues of customs, excise, and inland duties, so far as relates to the commencing prosecutions for penalties against the revenue of customs to subsequent acts.

Cap. 87. To prevent the mischiefs that arise from driving cattle within the cities of *London* and *Westminster*, and liberties thereof, and the bills of mortality.

Cap. 88 To establish a fund towards further defraying the charges of the administration of justice, and support of the civil government within the province of *Quebec*, in *America*.

Cap. 89. To enable his Majesty to allow the administrator with the will annexed, or other the personal representative, of Sir *Joseph Jekyll* knight, deceased, to sell ten thousand pounds south sea stock, part of a legacy given by him to the use of the sinking fund, and to receive the dividends due thereon, as also on ten thousand pounds *East India* stock; and for applying the same as therein is mentioned.

Cap. 90. For the better regulation of the nightly watch and beades within the city and liberty of *Westminster*, and parts adjacent; and for other purposes therein mentioned.

Cap. 91. More effectually to improve and complete the navigation of the river *Thames*, westward of *London Bridge*, within the liberties of the city of *London*, and to prevent any vessel or barge from being moored in *Taplow Mill-stream*, in the county of *Bucks*.

Cap. 92. For regulating and ascertaining the weights to be made use of in weighing the gold and silver coin of this kingdom.

Cap. 93. For rebuilding the church of the parish of *Lewisham*, in the county of *Kent*.

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Cap. 94. For establishing a new church or chapel erecting at *Toxteth Park*, in the parish of *Walton*, near *Liverpool*, in the county palatine of *Lancaster*.

Cap. 95. For rebuilding the parish church of *Battersea*, in the county of *Surrey*, and for enlarging the church-yard of the said parish church.

Cap. 96. To amend an act, passed in the tenth and eleventh years of the reign of King *William the Third*, intituled, *An act for the making and keeping navigable the rivers of Aire and Calder, in the county of York*; and for improving the navigation of the said river *Aire*, from *Weeland* to the river *Ouze*; and for making a navigable canal from the said river *Aire*, at or near *Huddesley*, to the river *Ouze*, at the *Old Brick Garb*, at *Ouze Gate End*, within the township of *Seldby*, in the said county; and for other purposes.

Cap. 97. To continue, amend, and render more effectual an act, made in the sixth year of the reign of his present Majesty, for repairing the road from the turnpike at *Tunbridge Wells*, in the county of *Kent*, to *Ringles Cross*, near *Uckfield*, in the county of *Sussex*.

Cap. 98. To enlarge the term and powers of an act, made in the thirty-second year of his late Majesty, for repairing and widening the high road from *Whetherby* to *Grassington*, in the county of *York*.

Cap. 99. For enlarging the term and powers of an act, made in the twenty-eighth year of his late Majesty, for repairing and widening the roads from the town of *Manchester* to the town of *Rochdale*, and from a place called, *The White Smithy*, in the township of *Crumpsal*, to the town of *Bury*, and from a place called *Besses of the Barn* to *Ratcliffe's Bridge*, in the county palatine of *Lancaster*; and for empowering the trustees under the said act to repair a lane called *Sheepfoot Lane*, in the said county.

Cap. 100. For enlarging the term and powers of an act, passed in the twenty-sixth year of the reign of his late majesty King *George the Second*, for repairing and widening the roads from *Henshall's Smithy*, upon *Cranage Green*, through the town of *Nether Knutsford*, and by the south guide post in *Mere*, and *Bucklow Hill*, to the town of *Altrincham* in the county palatine of *Chester*; and from the said guide post to *Warrington*, in the county of *Lancaster*; and from *Bucklow Hill* afore said, to *Penny's Lane*, near *Northwich*, in the said county of *Chester*.

Cap. 101. For repairing and widening several roads near the towns of *Hockerton*, *Kirklington*, *Southwell*, *Normanton*, and *Winkbourne*, in the county of *Nottingham*.

Cap. 102. To enlarge the terms and powers of two acts, made in the twenty-sixth and twenty-seventh years of the reign of his late majesty King *George the Second*, for repairing several roads leading into the city of *Glasgow*, so far as the same relate to the road leading from the said city of *Glasgow*, through *Cawcaddens*, to that part of the water of *Kelvine*, called *The Milnsford of Garstube*.

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Cap. 103. For explaining and amending an act, made in the thirty-second year of his late Majesty, *for improving the navigation of the river Clyde, to the city of Glasgow; and for building a bridge across the said river, from the said city to the village of Gorbells*; and part of another act, made in the eighth year of his present Majesty, for explaining and amending the said act; and for repairing, widening, and enlarging, the old bridge across the river of *Clyde*, from the city of *Glasgow* to the village of *Gorbells*.

Cap. 104. To enlarge the term and powers of an act, made in the twenty-eighth year of the reign of King *George the Second*, for repairing and widening the road from *Basingstoke*, through *Wortin*, *Overton*, *Whitchurch*, *Husband Priors*, *Andover*, and *Middle Wallop*, in the county of *Southampton*, to a place called *Lobcomb Corner*, in the parish of *Winterslow*, in the county of *Wilts*, for including the road from *Spittle House*, over *Weyhill*, to *Mullens Pond*, as directed by an act, made in the twenty-ninth year of his said Majesty; and for amending the roads from *Andover*, through *Charlton*, towards *Tangley*, and from *Charlton* to *Clanfield Bottom*, and from *Weyhill* to *Sarson Street*, and also the road through the said town of *Basingstoke*.

Cap. 105. To continue the terms of two acts, made in the twenty-sixth and twenty-seventh years of the reign of his late majesty King *George the Second*, for repairing several roads leading into the city of *Glasgow*, so far as the same relate to the roads from the city of *Glasgow*, to *Yocker Bridge*, to *Renfrew Bridge*, to the *Three Mile House*, to the town of *Airdrie*, and from the village of *Gorbells* to *The Chapel of Cambuslang*, in the counties of *Lanerk* and *Renfrew*.

Cap. 106. For recovering, improving, and maintaining, the navigation of the haven of *Hedon*, in *Holderness*, in the east riding of the county of *York*.

Cap. 107. For draining and preserving the low grounds and carrs, within the parishes, townships, and places of *Winstead*, *Pattrington*, *South Frodingham*, *Hollym*, *Rimswell*, *Owthorne* otherwise *Seathorne*, *Withernsea*, *Inglan Hill*, and *Walker Fields*, in *Holderness*, in the east riding of the county of *York*.

Cap. 108. For the better governing and employing the poor, and making and collecting the poor's rates, within the parishes of *Saint Giles in the Fields*, and *Saint George Bloomsbury*, in the county of *Middlesex*.

Cap. 109. To enlarge the term of an act, made in the seventh year of the reign of his present Majesty, for repairing and widening several roads, leading from the town of *Ayr*, and other roads therein mentioned, in the county of *Ayr*; and for repairing and widening certain other roads within the said county of *Ayr*.

Cap. 110. To enlarge the term and powers of an act, passed in the thirty-third year of the reign of his late majesty King *George the Second*, *for repairing and widening the high roads from Hinckley to Woeful Bridge; and also from Hoo-ath Lane,*
through

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through Old Lane, and from Swannington to Lee Gutter, and from thence to Melbourne Common; and from Ibstock to Measham, in the counties of Leicester and Derby; and for repairing and widening the road from Phiney's House, in the liberty of Osbaston, to Cheshire's House, in the liberty of Carlton, and also the road from the turnpike road at Swannington, along Burton's Lane, to the Coal Fields; and also the road from the toll-gate in Old Lane to the Leicester and Ashby-de-la-zouch turnpike roads.

Cap. 111. To enlarge the term and powers of so much of an act of parliament, made and passed in the twenty-ninth year of the reign of his late majesty King George the Second, for repairing and widening several roads therein mentioned, from the town of Tewkesbury, in the county of Gloucester, as relates to the second district of roads therein mentioned; and to amend the road from Elstone church to the turnpike road from Cirencester to Gloucester, near a place called Comb End Beeches, in the said county of Gloucester.

Cap. 112. For continuing, altering, and amending an act, made and passed in the twenty-sixth year of his late majesty King George the Second, intituled, *An act for repairing and widening several roads leading from the town of Bewdly, in the county of Worcester, to the several places therein mentioned, in the counties of Worcester and Salop respectively.*

Cap. 113. For enlarging the term and powers of an act, made in the twenty-seventh year of King George the Second, for repairing and widening the road from the borough of Leicester to and by the north side of the town of Uppingham, in the county of Rutland, and to Wansford, in the county of Northampton; and from thence to Peterborough, in the said county of Northampton; and for repairing the road from the termination of the said road at Peterborough to the market place there.

Cap. 114. For enlarging the term and powers of so much of an act, made in the fourth year of the reign of his present Majesty, as relates to the road from the town of Rotherham, in the county of York, to the turnpike road at the east end of Tankersley Park, in the said county.

Cap. 115. To enlarge the term and powers of an act, made in the twenty-second year of his late majesty King George the Second, for repairing the road from North Shields in the county of Northumberland, to the town of Newcastle upon Tyne.

Cap. 116. For empowering the trustees for repairing the road from the stone's end in Saint Leonard Shoreditch, to the furthest part of the northern road, in the parish of Enfield, in the county of Middlesex, to cause part of the said road to be lighted, watched, and watered; and for lighting, watching, and watering the parish of Saint Mary Stoke Newington, in the said county.

Cap. 117. To enlarge the term and powers of an act, passed in the ninth year of his present Majesty, for repairing and widening the road from Beverley to the ferry at Hessle, and from the Malton guidepost to the gravel pit at Cottingham, in the county

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of *York*; and for repairing and widening other roads therein mentioned.

Cap. 118. For continuing the term and enlarging the powers granted by an act, passed in the twenty-eighth year of his late Majesty's reign, *for repairing the road from the north end of Brown's Lane, in Great Stoughton, in the county of Huntingdon, through Kimbolton and Higham Ferrers, to the way-post near Wellingborough Bridge, in the county of Northampton, and from the pound in Kimbolton to the way-post in Great Catworth Field, near Brington Bridge, in the said county of Huntingdon*; and for repealing so much of an act of the tenth year of his present Majesty's reign as relates to the road between the north end of *Brown's Lane* and the south end thereof.

P R I V A T E A C T S .

1. **A**N act for dividing and inclosing the open fields, common pastures, and other uninclosed grounds, within the manor and township of *Swinton*, in the parish of *Appleton in the Street*, in the north riding of the county of *York*.
2. An act for dividing and inclosing the open and commonable fields, within the parish of *Duddington*, in the county of *Northampton*.
3. An act for dividing and inclosing the common and open fields, wastes, and common grounds, within the township and liberty of *Ibstock*, in the county of *Leicester*.
4. An act for dividing and inclosing the common meadows, commons, and waste lands, within the manor and parish of *Severn Stoke*, in the county of *Worcester*.
5. An act for dividing and inclosing the open and common fields and downs, within the parish of *Abbot's Ann*, in the county of *Southampton*.
6. An act for dividing and inclosing several common fields, grounds, and pastures, within the parish of *Owmy*, in the county of *Lincoln*.
7. An act for dividing and inclosing the open field, land, or stinted pasture, common, and waste grounds, within the manor of *Butterton*, in the parish of *Mayfield*, in the county of *Stafford*.
8. An act for dividing and inclosing the open and common fields, lot grounds, and commonable lands, within the parish of *Staunton*, in the county of *Gloucester*.
9. An act for dividing and inclosing certain open arable fields, meadows, and stinted common pastures, in the parish of *West Retford*, in the county of *Nottingham*.
10. An act to enable *Thomas Purnell Jones* esquire, and his issue, to take and use the surname and arms of *Purnell*.
11. An act for naturalizing *Samuel Rapillard* and *Abraham Delapierre*.
12. An act for naturalizing *Louis de Saumaize*.
13. An act for naturalizing *Peter Van Yzendoorn*.
14. An act for naturalizing *Theodore George Gleichman*.

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15. An act for naturalizing *George Christopher Degen*.
16. An act to enable trustees, with the consent of the persons claiming under the will of *Mary Pryce* spinster, deceased, to cut down and sell the timber upon the settled estates of the said *Mary Pryce*, in the county of *Merioneth*; and to invest the monies arising therefrom in the purchase of lands and hereditaments, to be settled to the uses of the said will; and for other purposes.
17. An act for vesting certain estates in the county of *Devon*, late of *Thomas Benson* esquire, deceased, in trustees, to be sold, to raise money, to be applied under the direction of the court of exchequer, in payment of certain legacies affecting the same estates.
18. An act for vesting the estate late of *William Watts* esquire, called *South Hill*, or *Fisher's Lodge*, in the county of *Berks*, in trustees, to sell the same; and to lay out the money arising by such sale in the purchase of another estate, to be settled to the uses of his will.
19. An act for dividing and inclosing the common fields, half-year lands, common pastures, common meadows, lammas meadows, commons, commonable lands, heaths, and waste grounds, within the parish of *Tottington*, in the county of *Norfolk*.
20. An act for dividing, allotting, and inclosing the open and common fields, crofts, brecks, and other half-year closes, in the parishes of *Beetley*, *Great Bittering*, and *Gressenhall*, in the county of *Norfolk*, within the liberty of *Sheepwalk*, called *Beetley Sheepwalk*; and for dividing, allotting, and inclosing, certain commons and waste lands, within the said parish of *Beetley*.
21. An act for enabling the right honourable *John earl Spencer* to inclose the several open and common fields in the parish of *Dunton*, in the county of *Bucks*; and for vesting certain glebe lands, and the tithes belonging to the rectory of *Dunton* aforesaid, in the said *John earl Spencer*; and for making a compensation to the rector of the said parish in lieu thereof.
22. An act for dividing and inclosing the open fields, meadow, pasture, and all other commonable grounds, within the manor of *Ratcliffe upon Wreak*, in the county of *Leicester*.
23. An act for dividing and inclosing certain open common fields, pastures, and waste grounds, called *Cropredy Field* and *Ast Mead*, within the parish of *Cropredy*, in the county of *Oxford*.
24. An act for dividing and inclosing certain open and common fields, common meadows, common grounds, and commonable places, in the parish of *Waddesdon*, in the county of *Bucks*.
25. An act for dividing, allotting, and inclosing, the open fields, wastes, and commonable places, of *Hucklestote* and *Donnington on the Heath*, in the parish of *Ibstock*, in the county of *Leicester*.
26. An act for dividing and inclosing the commons and waste grounds, within the manor or lordship of *Oswaldtwistle*, in the parish

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parish of *Whalley*, in the county palatine of *Lancaster*.

27. An act for dividing and inclosing all the open fields, meadows, pastures, and commonable grounds, within the township or liberty of *Sutton Saint Ann's*, otherwise *Sutton Bonnington*, commonly called *Saint Ann's End*, in the county of *Nottingham*.

28. An act for dividing and inclosing several pieces and parcels of land, called *Bishop's Itchington Heath*, *Christmas Hill*, *Palmer's Furze*, *The Olt*, and commonable places, within the parish of *Bishop's Itchington*, in the county of *Warwick*.

29. An act for dividing and inclosing certain open common fields, meadows, ings, and other commonable lands and waste grounds, within the parish of *West Keal*, in the county of *Lincoln*.

30. An act for dividing and inclosing the common pasture or waste ground, called *Cottmore*, and such part of the common pasture or waste ground, called *Radley*, as lies within the districts of *Southwell* and *Westhorpe*, in the parish of *Southwell*, in the county of *Nottingham*.

31. An act for dividing and inclosing certain common fields, common meadows, pastures, and other commonable lands, within the parish of *Old Stratford*, otherwise *Stratford upon Avon*, in the county of *Warwick*.

32. An act for dividing and inclosing certain commons and waste grounds, called *Newthorpe Great Common* and *Begerley Common*, in the parish of *Greasley*, in the county of *Nottingham*.

33. An act for dividing and inclosing the open and common fields, common pastures, common meadows, and other commonable lands, of and within the parish and liberties of *Staverton*, in the county of *Northampton*.

34. An act for dividing and inclosing the open and common fields, and other commonable lands, in the parish of *Halford*, and county of *Warwick*.

35. An act for dividing and inclosing the common and open fields, meadows, pastures, heath, and waste grounds, within the manor and parish of *Wilsford*, otherwise *Wilesford*, in the county of *Lincoln*.

36. An act to dissolve the marriage of *Richard Heatley*, with *Arabella Dawson*, his now wife; and to enable him to marry again; and for other purposes therein mentioned.

37. An act to enable *Thomas Afsheton* esquire, and his sons, and the heirs male of their bodies, to take and use the surname of *Smith*, pursuant to the will of *William Smith* esquire, deceased.

38. An act to enable the honourable *Henrietta Charlotte Keck* spinster, and her issue, to take, use, and bear, the surname and arms of *Tracy*, pursuant to the will of *Robert Tracy* esquire, deceased.

39. An act for naturalizing *Nicholas Joachim Haeseler* and *John Erich*.

40. An act for naturalizing *Jacob Julien Baumgartner*.

41. An act for confirming an agreement between *William earl*
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of *Radnor* and the president and fellows of *Queen's College Cambridge*, for an exchange of the advowson of *Seagrave*, in the county of *Leicester*, for the advowson of *Great Chiverel*, in the county of *Wilts*.

42. An act for vesting in *John earl of Breadalbane*, and his heirs, in fee-simple, certain lands, part of his entailed estate, in the county of *Argyll*; and for settling, in lieu thereof, other lands lying contiguous to, and interspersed with, the said entailed estate.

43. An act for enabling the dean and chapter of *Canterbury*, *Henry Penton* esquire, and *Thomas Brandon*, to grant building leases, pursuant to two several agreements entered into for that purpose.

44. An act to subject and charge the rectory and parsonage impropriate of *Sunning* otherwise *Sonynges*, in the counties of *Berks* and *Oxon*, and the manor, lands, tithes, and hereditaments, thereunto belonging, with the payment of three several perpetual yearly rent charges, or annual payments, to doctor *Thomas Greene* and his successors, deans of *Sarum*; and for divesting the fee-simple and inheritance of the said premises out of him and his successors; and for vesting the same, so charged, in *Robert Palmer* esquire, his heirs and assigns.

45. An act for vesting part of the freehold and leasehold estates, devised by the will of *John Mitford* esquire, deceased, in trustees, to sell the same, for discharging incumbrances, and for laying out the residue of the money arising by sale in the purchase of other lands and hereditaments, to be settled in lieu thereof, to the like uses.

46. An act for vesting part of the settled estates of *William Foster*, and *Levina Davey Foster*, his wife, in *Holdingham* and *New Sleasford*, in the county of *Lincoln*, in the said *William Foster*, in fee-simple; and for settling other estates of the said *William Foster*, in *Alderchurch*, otherwise *Algarkirke*, in the said county, of greater value, in lieu thereof.

47. An act for dividing, allotting, and inclosing, the common fields, common meadows, and waste and commonable lands, within the parish of *Upton Snodsbury*, in the county of *Worcester*.

48. An act for dividing and inclosing several open fields, meadows, pastures, and commons, within the parish of *Spridlington*, in the county of *Lincoln*.

49. An act for dividing and inclosing certain open fields and meadows, stinted common pastures, and free commons, in the parish of *Heapham*, in the county of *Lincoln*.

50. An act for dividing and inclosing the open fields, meadows, common pastures, and waste grounds, in the manor and parish of *Ludborough*, in the county of *Lincoln*.

51. An act for dividing and inclosing the open and common fields, meadows, pastures, fens, heath, and waste lands, within the parish of *Potterhanworth*, in the county of *Lincoln*.

52. An act for dividing and inclosing several fields, commons, and waste lands, in the manor of the foreign of *Kidderminster*, in

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the parish of *Kidderminster*, in the county of *Worcester*.

53. An act for dividing and inclosing the open common fields, meadows, pastures, and other common lands, within the hamlets of *Twyford* and *Chardon*, in the parish of *Twyford*, in the county of *Buckingham*.

54. An act to amend an act, passed in the tenth year of the reign of his present Majesty, intituled, *An act for dividing and inclosing such of the open parts of the district called the forest of Knareborough, in the county of York, as lie within the eleven constaberies thereof; and for other purposes therein mentioned.*

55. An act for dividing and inclosing the open arable fields, meadows, pastures, commons, and waste grounds, in the parish of *Wreot*, in the county of *Lincoln*.

56. An act for dividing and inclosing the common fields, waste grounds, and commonable lands, within the parish of *Foleshill*, in the county of the city of *Coventry*.

57. An act for dividing and inclosing the common and open fields, meadows, and commonable lands, in the parish of *Warrington*, in the county of *Northampton*.

58. An act for dividing, allotting, and inclosing, the common fields, half-year inclosures, lammas meadows, brecks, heaths, warrens, commons, and waste lands, within the parish of *Weeting*, in the county of *Norfolk*.

59. An act for dividing, allotting, and inclosing the old whole year lands, common fields, half-year inclosures, lammas meadows, heaths, commons, and waste lands, within the parish of *Barton*, otherwise *Barton Bendish*, or *Eastmore*, in the county of *Norfolk*.

60. An act for naturalizing *Gustav. Nicolaus Eggers*.

61. An act for naturalizing *John Everth*.

62. An act for naturalizing captain *David Francis de Bezancenet*.

63. An act for naturalizing *Christian Frederick Esberger*.

64. An act for vesting the settled estates of *Francis Creuzé* and *Sarah* his wife, in the county of *Worcester*, in trustees to be sold; and for laying out the money arising by such sale in the purchase of other lands, to be settled to the same uses.

65. An act for sale of the freehold and copyhold estates, late of *John Wilson* esquire, deceased, situate in the county of *Surrey*; and for laying out the money to arise by such sale for the benefit of *John Wilson*, an infant, his eldest son and heir at law.

66. An act for vesting part of the estates late of *George Palmes* esquire, deceased, in the lordship or township of *Nabourn*, otherwise *Naburn*, in the east riding of the county of *York*, in trustees, to be sold; and to apply the monies thereby arising in payment of the debts of the said *George Palmes*, deceased; and for other purposes therein mentioned.

67. An act to enable the vicar of the parish church of *Saint Nicholas*, in the town and county of the town of *Newcastle upon Tyne*, to demise or lease part of the land belonging to the said vicarage to *William Lowes* esquire, for the purposes, and upon the conditions, in such lease to be mentioned.

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68. An act for dividing and inclosing certain open and common fields, commonable down lands, and other commonable places, in the parish of *Tutcombe*, otherwise *Tidcome*, in the county of *Wilts*.

69. An act for dividing and inclosing the several open fields, meadows, pastures, and other uninclosed grounds, within the township of *Bainton*, in the east riding of the county of *York*; and for making a compensation in lieu of the tithes of all the said township, and of the township of *Neswick*, in the parish of *Bainton* aforesaid.

70. An act for dividing and inclosing several open and common fields, and common meadows, within the hamlet or chapelry of *Defford*, in the county of *Worcester*; and for draining and levelling, and also for regulating the stocking with cattle, a certain common called *Defford Common*.

71. An act for dividing, allotting, and inclosing, the open uninclosed fields, and parcels of land, within the manor and parish of *Garton*, in the east riding of the county of *York*.

72. An act for dividing and inclosing the open arable fields, meadows, pastures, commons, and waste grounds, in the parish of *Finningley*, in the counties of *Nottingham* and *York*.

73. An act for dividing and inclosing the open and common fields, meadows, commonable lands, and commons, within the manor, parish, and liberties of *Ellington*, in the county of *Huntingdon*.

74. An act for inclosing the open and common fields, and common and waste grounds, within the parish of *Potton*, in the county of *Bedford*.

75. An act for dividing and inclosing the open and common fields, meadows, and common grounds, within the parish of *Harringworth*, in the county of *Northampton*.

76. An act for dividing and inclosing the open and common fields, common meadows, and common and waste grounds, and also a stinted or common pasture, called *The Cow Common*, within the manor and parish of *Stoke Hammond*, in the county of *Bucks*.

77. An act for dividing and inclosing the open and common fields, and common downs, in the tithings of *Milton Lilburne*, *Milton Abbots*, and *Milton Havering*, in the parish of *Milton*, in the county of *Wilts*.

78. An act for dividing and inclosing the open and common fields, meadows, pastures, and other commonable lands and grounds, within and belonging to the chapelry or township of *Bricklehampton*, in the county of *Worcester*.

79. An act for dividing and inclosing the several open arable fields, and other uninclosed grounds, within the township of *Rudston*, in the east riding of the county of *York*.

80. An act for dividing, allotting, and inclosing the open and common fields, meadows, commonable lands and commons, within the township, parish, and liberties of *Easton*, in the county of *Huntingdon*.

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81. An act for dividing and inclosing several open common fields, common pastures, ings, commons, and other waste lands and grounds, within the townships of *Acombe* and *Holdgate*, in the county of the city of *York*.

82. An act for dividing and inclosing the open and common fields, hills, meadow, pastures, lot grounds, and commonable lands, within the parish of *Oxenton*, in the county of *Gloucester*.

83. An act to explain and amend an act, made in the tenth year of his present Majesty's reign, for dividing and inclosing the open common fields, common pastures, and other commonable lands and grounds, within the parish of *Saint Neots*, in the county of *Huntingdon*; and for regulating the usage and stocking of divers commonable lands and commons within the said parish.

84. An act to enable *John Meadows* the elder, gentleman, and his issue male, to take, use, and bear, the surname and arms of *Theobald*, pursuant to the will of *Elizabeth Theobald*, widow, deceased.

85. An act for naturalizing *Paul Burnand*.

86. An act for naturalizing *Luder Hoffbam* and *Nicholas Hane*.

87. An act for naturalizing *Viclor Busigny*.

88. An act for vesting the estate of the honourable *William Hanger*, situate in the county of *Kent*, entailed by the will of the right honourable *Gabriel lord Coleraine*, in the kingdom of *Ireland*, deceased, in trustees, to be sold; and for applying the monies arising by such sale in the purchase of other lands and hereditaments, to be settled to the same uses.

89. An act for vesting one moiety of the bridge built cross *Stonehouse Creek*, near *Plymouth Dock*, in the county of *Devon*, in trustees, in trust, to raise a moiety of the expences of building the same; and also for enabling certain persons to grant building and other leases, during the minority of sir *John Saint Aubyn* baronet, of the respective estates devised to him by the wills of his father and sir *William Morice* baronet, deceased; and likewise for vesting certain houses in *Middlesex* and *London* in trustees, in trust to sell the same.

90. An act for vesting the manor of *Thorngumbald*, and certain messuages, lands, tenements, and hereditaments, in *Thorngumbald* and *Paul*, or one of them, in *Holderness*, in the east riding of the county of *York*, late the estate of *Thomas Gee* esquire, deceased, in trustees, to be sold; and for applying part of the monies thereby arising in discharging the incumbrances affecting the same estate; and for laying out the residue in the purchase of other lands and hereditaments, to be settled to the same uses.

91. An act to enable *Walter Smyth* esquire, to make and establish an exchange of the manor of *Binderton*, and certain lands, tenements, and hereditaments, in the parish of *Binderton*, in the county of *Suffex*, for other lands and hereditaments in the same county, belonging to sir *James Peachey* baronet.

92. An act for dividing and inclosing the open and common fields,

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fields, commons, fens, and waste grounds, in the parish of *Timberland*, in the county of *Lincoln*.

93. An act for dividing and inclosing the common fields, common ings, mesne inclosures, commons, or waste grounds, within the parish of *Rawmarsh*, in the west riding of the county of *York*.

94. An act for naturalizing *John Michael Lange*.

95. An act for empowering the most noble *William* duke of *Devonshire*, to make leases of mines and quarries, within the estates late of *Richard* earl of *Burlington* and *Corke*, deceased, in the county of *York*.

96. An act for vesting a messuage and lands, called *East Leach Grove*, (part of the settled estate of the right honourable *Fredrick Henry* lord *Chedworth*, in the county of *Gloucester*,) in trustees, in trust, to sell and convey the same, pursuant to an agreement for that purpose; and for laying out the money arising by such sale in the purchase of other lands, to be settled to the like uses.

97. An act to enable sir *Edward Swinburne* baronet, to charge certain moors and waste lands, within the parishes of *Edlingham* and *Simonburne*, in the county of *Northumberland*, or either of them, late the estate of sir *John Swinburne* baronet, deceased, after he shall have cultivated and improved the same in the manner therein mentioned.

98. An act for vesting divers freehold estates, late of *Robert Barbor* esquire, deceased, in trustees, to be sold, to raise money, to be applied, under the direction of the court of chancery, in payment of the debts, legacies, and charges, charged upon and affecting the same; and for other the purposes therein mentioned.

99. An act for empowering the judges of the court of session in *Scotland* to sell the whole, or such parts and portions, of the estate and barony of *Kinross*, in the county of *Kinross*, belonging to *James Bruce Carstairs* esquire, as shall be sufficient for payment of the debts affecting the same; and for settling the remainder of the said estate and barony, in tail, on the same persons, and to the same uses and purposes, as mentioned in a deed of entail made by sir *William Bruce* baronet, bearing date the sixteenth day of *February*, in the year one thousand six hundred and eighty-three.

100. An act to enable certain trustees therein named to raise money, by sale of certain estates of *John Smith*, and *James Smith* his son, in the city of *Coventry*, and county of the same city, for the payment of debts and incumbrances, and other purposes therein expressed.

101. An act for amending and rendering effectual the powers of sale and revocation of uses, contained in the marriage articles and settlement of *Richard Sterne* esquire, and *Mary* his wife, of divers messuages, lands, and hereditaments, in the county of *York*, therein comprised.

102. An act for enabling and empowering trustees to accept, grant,

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grant, and make, building and other leases, contracts, and agreements, of certain messuages, lands, and premises, late of *William Baker* esquire, deceased, during the minority of his son *Peter William Baker*, an infant; and also, during such minority, to receive the rents and profits thereof, and all other his personal estates, and the interest, dividends, and proceed thereof, and apply the same as in the act mentioned; and for other purposes.

103. An act for vesting the estates late of *James Colebrooke* esquire, deceased, in the county of *Kent*, in trustees, to be sold; and for purchasing other estates to be settled to the same uses, subject to the annuities, and other charges and incumbrances thereon; and for other purposes therein mentioned.

104. An act to enable the master and scholars of *Baliol College*, in the university of *Oxford*, in their collegiate capacity, to convey certain lands and possessions belonging to the said college, in the counties of *Salop* and *Radnor*, to *William Pearcie Hall*, and *John Woodhouse*, esquires, in exchange for other lands in the county of *Radnor*, of greater value, to be conveyed to, and held by, them respectively, to the uses, and upon the trusts, therein mentioned.

105. An act for confirming to the resident freemen or burgesses, and resident widows of deceased freemen or burgesses, of the town of *Newcastle upon Tyne*, their full right and benefit to the herbage of *The Town Moor*, *Castle Leazes*, and *Nuns Moor*, within the liberties of the said town, for two milch cows each, in such manner as has been used; and for improving the herbage of the said *Town Moor*, *Castle Leazes*, and *Nuns Moor*, respectively.

106. An act for dividing and inclosing the commons, or wastes, called or known by the names of *Wedmore Moor*, *Churchland Moor*, *Tadam* and *Yeel Moor*, and *Mudgeley Moor*, within the parish of *Wedmore*, in the county of *Somerset*.

107. An act for confirming and establishing the division, extinction of right of intercommon, and exchanges of certain lands, in *Balnborough*, *Shoefston*, and *Sunderland*, in the county of *Northumberland*, made between the several persons interested therein; and for appointing arbitrators, to settle the claims of the respective lords of the manors of *Hexham* and *Blanchland*, in the said county, to a tract of disputed ground lying contiguous to the said manors.

108. An act for dividing and inclosing the open and common fields, common pastures, common meadows, and other commonable lands, of and within the parish and liberties of *Hellidon*, in the county of *Northampton*.

109. An act for dividing and inclosing the open and common fields, common heath, common pastures, common meadows, and other commonable lands, of and within the hamlet and liberties of *Hollowell*, in the parish of *Guilfborough*, in the county of *Northampton*.

110. An act for dividing and inclosing the open and common fields, meadows, commonable lands and commons, within the
manor

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manor and township of *Graffham*, in the county of *Huntingdon*.

111. An act to dissolve the marriage of *Stephen Popham*, gentleman, with *Ann Yate Whiteside*, his now wife; and to enable him to marry again; and for other purposes therein mentioned.

112. An act to enable *George Dickerdine* esquire, and his heirs, to take and use the name and surname of *Rice Fellowe*, and to bear the arms of *Fellowe*, pursuant to the will of *Rice Fellowe* esquire, deceased.

113. An act to enable the trustees named in a certain act of parliament, passed in the twelfth year of the reign of his present Majesty, intituled, *An act for giving further powers to the trustees named in a certain act of parliament, made in the ninth year of the reign of his present Majesty*, intituled, *An act to empower the trustees of the will of the late general Pulteney, and other trustees appointed by this act, to purchase and exchange lands and grounds in the manor of Bathwick, in the county of Somerset, for the purpose of making certain roads and ways to and from a free bridge by them intended to be built over the river Avon, in the said county; and also to empower the persons in possession of the said estate for the time being, under the said will, to grant leases of certain lands and houses in the said manor; and likewise to enable the said trustees to grant certain grounds and springs of water, within the said manor of Bathwick, to the mayor, aldermen, and citizens of Bath; and for extending the jurisdiction of the said mayor, aldermen, and citizens, over part of the said manor of Bathwick; and for other purposes therein mentioned; and for enlarging the powers of leasing, given by the said act, to the persons therein named; and for other purposes, to raise a sum of money for the purposes therein mentioned.*

114. An act for allotting and dividing the open fields and commons, in the manor of *Laleham*, in the counties of *Middlesex* and *Surrey*.

THE

THE
STATUTES at Large, &c.

Anno regni GEORGII III. *Regis, Magnæ Britannicæ, Franciæ, & Hiberniæ, decimo quarto.*

AT the parliament begun and holden at Westminster, the tenth day of May, Anno Dom. 1768. in the eighth year of the reign of our sovereign lord GEORGE the Third, by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the thirteenth day of January, 1774; being the seventh session of the thirteenth parliament of Great Britain.

C A P. I.

An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and seventy-four. *At three shillings in the pound.*

C A P. II.

An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and seventy-four.

C A P. III.

An act for punishing Mutiny and Desertion; and for the better payment of the army and their quarters.

C A P. IV.

An act for the regulation of his Majesty's marine forces while on shore.

C A P. V.

An act to allow the exportation of corn, grain, and other articles, to his Majesty's sugar colonies in America; and to extend the provisions of an act made in the last session of parliament, (intituled, An act to regulate the importation and exportation of corn,) allowing the exportation of wheat, meal, flour, rye, barley, or malt, to the islands of Guernsey and Jersey, to bread, biscuit and pease; and to allow the exportation of all the said articles to the island of Alderney.

Preamble.

Act 13 Geo. 3.

WHEREAS by an act passed in the last session of parliament, (intituled, An act to regulate the importation and exportation of corn,) it was (amongst other things,) enacted, That whenever the price of middling British wheat, at any port or place within the kingdom of Great Britain, from whence the same should be intended to be exported, should appear to be at or above the price of forty-four shillings per quarter, such price being ascertained in manner in the said act before mentioned, no person or persons whatsoever should, directly, or indirectly, export, transport, carry, or convey, or cause or procure so to be, out of or from any such port or place; or load or lay on board, or cause or procure to be laden or laid on board, in any ship or other vessel or boat, in order to be exported or carried out of any such port or place, any wheat, wheat meal, or flour, or malt, bread, biscuit, or starch, made of wheat; and whenever the price of middling British rye, pease, or beans, or of middling British barley, beer, or bigg, or of middling British oats, should respectively appear at such port or place to be at or above the several distinct prices in the said act particularly mentioned, no person or persons whatsoever should directly or indirectly, export, transport, carry or convey, or cause so to be, or load or lay on board, in any ship or other vessel, or boat, in order to be exported or carried out of any such port or place, any rye, pease, or beans, ground or unground, or any bread or biscuit made of rye, pease, or beans respectively, or any barley, beer, or bigg respectively, or any oats or oatmeal, or malt, bread, or biscuit, made of oats, under the several penalties and forfeitures in the said act particularly mentioned and inflicted: and whereas it is necessary at all times to export corn, grain, pease, beans, malt, flour, oatmeal, bread, biscuit, and starch, to his Majesty's sugar colonies in America, for the sustenance and use of the inhabitants thereof; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, it shall and may be lawful to ship and export, from the port of London only, wheat and meal, flour, bread, biscuit, and starch, made of wheat, not exceeding in the whole two thousand quarters in any one year, to be computed in

Wheat, meal, flour, bread, biscuit, and starch, not exceeding 2000 quarters in one year, from the port of London only,

in the manner herein-after directed; and from the said port of *London*, and all and every other port or place in *Great Britain*, of grain, from all and every other ports of corn and grain, pease and beans, other ports and places in ground or unground, malt and oatmeal, to his Majesty's sugar Great Britain, colonies in *America*, any thing in the said act to the contrary notwithstanding, for the sustenance and use of the inhabitants of the said colonies; so as the exporter, do before the shipping of the said commodities, or laying on board the same, declare the colony or colonies for which the said commodities, or either of them, are respectively designed, and become bound with other sufficient security, in treble the value thereof, to the commissioners, or chief officer before the shipping, or officers, of his Majesty's customs, belonging to the port or place where the same shall be shipped or put on board, (who declaring the colony to hath or have hereby power to take such security in his Majesty's name, and to his Majesty's use,) that such commodities shall be landed or sold in any ports whatsoever other than the said colony or colonies for which the same shall be so declared; and that a certificate, under the hand and seal of the collector, comptroller, or other chief officer of the customs, or if no such, of the naval officer, or some of the principal officers of the port where the same shall be landed, shall within the space of eighteen calendar months after the date of such bonds, (the danger of the seas excepted,) be returned to the officers who took the said bonds, that the said commodities have been landed at the port or place for which the same shall be so declared; and for the taking of such security, and for giving such certificates, (which the respective officers aforesaid are hereby, on demand, required to give,) no fee or reward shall be demanded or received: and if any officer shall make any false certificate of any such commodities being so landed, such officers shall forfeit the sum of two hundred pounds, and lose his employment, and be incapable of serving his Majesty, his heirs or successors, in any office relating to the customs; and if any person shall counterfeit, raise, or falsify any such certificate, or knowingly publish any such counterfeit, raised, or false certificate, he shall forfeit the sum of two hundred pounds, and such certificate shall be void, and of no effect; which said penalties for offences committed in *Great Britain* or *Ireland*, shall be recovered in the same courts, and in the same manner, as the other penalties inflicted by the said recited act are recoverable: and for offences committed in the colonies or plantations in *America*, shall be recovered in the high court of admiralty, or in any chief court of civil or criminal jurisdiction in such respective colonies or plantations; and shall be divided into equal moieties between his Majesty and the informer: and the said bond or bonds, if not prosecuted within three years, shall be void; any thing in the said recited act to the contrary thereof in any-wise notwithstanding.

II. Provided always, and be it enacted by the authority aforesaid, That when the exportation of the said commodities, or any of them, shall, by the said act, be permitted; then, and

Bonds to be void, if not prosecuted within three years.

When the exportation of the said commodities shall

be permitted
by the said
act, no bond
shall be re-
quired.
Proviso.

in such case, no such bond shall be required upon the exportation to the said colonies of such of them as shall be so permitted.

III. Provided also, and be it enacted, That when any bounty shall be allowed upon the exportation of the said commodities, or any of them, the same bounty shall be allowed upon the exportation thereof to the said colonies under the regulations, provisions, and restrictions, in the said act mentioned.

Nothing in
act 13 Geo. 3.
to extend to
prohibit any
quantity of
wheat, meal,
flour, &c.
from South-
ampton to
Jersey and
Guernsey.

IV. *And whereas by the said recited act, it was (amongst other things) provided, That nothing therein-before contained should extend to prohibit the several articles therein-after expressed being exported out of and from the respective ports in this kingdom therein after mentioned, to the several places therein after mentioned; that is to say, (amongst others,) from the port of Southampton to the islands of Guernsey and Jersey, any quantity of wheat, meal, flour, rye, barley, or malt, not exceeding five thousand quarters: and whereas it is necessary that the said provision should be extended to the island of Alderney, and bread, biscuit, and pease, are likewise requisite for the sustenance and use of the inhabitants of those islands; be it therefore enacted by the authority aforesaid, That from and after the passing of this act, nothing in the said recited act contained shall extend to prohibit the being exported from the port of Southampton, and from no other, to the islands of Guernsey, Jersey, and Alderney, or any or either of them, for the sustenance and use of the inhabitants thereof, any quantity of wheat, meal, flour, rye, barley, malt, or of bread, biscuit, or pease, in the same manner, and under the same limitations and restrictions, to all intents, constructions, and purposes, as if the said island of Alderney, and the said articles of bread, biscuit, and pease, had been originally inserted in the said recited act; any thing therein contained to the contrary thereof in any wise notwithstanding.*

Inhabitants of
Guernsey,
Jersey or Al-
derney, may
ship from
thence to any
British planta-
tion, where
the fishery is
carried on,
wheat, meal,
flour, &c.
necessary for
the fishery in
those parts,

V. Provided always, and be it enacted by the authority aforesaid, That it shall and may be lawful for any person or persons inhabiting in the said islands of *Guernsey, Jersey, or Alderney*, to ship and lade, at or in any or either of the said islands, and to transport directly from thence to *Newfoundland*, or to any other of the *British* colonies or plantations in *America*, where the fishery is now or shall hereafter be carried on, on board any ship or vessel which may lawfully trade there, the whole or any part of the said wheat, meal, flour, rye, barley, malt, bread, biscuit, or pease, fit and necessary for the fishery in those parts, or for the use and support of the mariners, or other persons employed on board the vessels, or on shore, in carrying on the said fishery, there, in the same manner, and under the same Limitations and restrictions, to all intents, constructions, and purposes, as prescribed in and by an act made in the ninth year of the reign of his present Majesty, (intituled, *An act to permit the inhabitants of Jersey and Guernsey to export directly from thence to Newfoundland, or the British colonies in America, goods necessary for the fishery, under certain restrictions,* and

under the Li-
mitation of
act 9 Geo. 3.

and to import from thence non-numerated goods, (except rum,) and to land the same in the said islands,) as if the same were particularly repeated and re-enacted in the body of this present act; any thing in either of the said recited acts, or any other law or statute, to the contrary thereof in any-wise notwithstanding.

VI. And be it further enacted by the authority aforesaid, That in carrying this act into execution, four hundred weight ^{400 cwt.} of meal, and three hundred weight ^{Avordupoise} of flour, bread, biscuit, and starch, made of wheat, shall be ^{of meal, and} computed, deemed, and taken as, and equal to, one quarter ^{300 ditto of} of wheat. ^{flour, bread,} ^{&c. to be} ^{deemed one} ^{quarter.}

VII. And be it further enacted by the authority aforesaid, That this act shall be in force during such time as the said recited act, passed in the last session of parliament, shall have continuance. ^{Continuation} ^{of this act.}

C A P. VI.

An act for further continuing two acts, made in the sixth and ninth years of his Majesty's reign, for punishing mutiny and desertion, and for the better payment of the army and their quarters, in his Majesty's dominions in America.

WHEREAS an act, passed in the thirteenth year of his present Majesty's reign, (intituled, An act for further continuing two acts, made in the sixth and ninth years of his Majesty's reign, for punishing mutiny and desertion, and for the better payment of the army and their quarters, in his Majesty's dominions in America; which act was to continue and be in force in all his Majesty's dominions in America, from the twenty-fourth day of March, one thousand seven hundred and seventy-four, until the twenty-fourth day of March, one thousand seven hundred and seventy-five: and whereas it has been found necessary that the said acts, made in the sixth and ninth years of his Majesty's reign should be continued for a further time; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said acts shall be, and the same are hereby continued, until the twenty-fourth day of March, one thousand seven hundred and seventy-six. ^{Preamble,} ^{Act 13 Geo. 3.} ^{further conti-} ^{nued until} ^{March 24,} ^{1776.}

C A P. VII.

An act for better paving, cleansing, and lighting, the streets, lanes, and publick passages, in the town of Cardiff, and liberties thereof, in the county of Glamorgan, and for removing and preventing nuisances and annoyances therein.

C A P. VIII.

An act to explain and amend two acts, made in the tenth and twelfth years of his present Majesty's reign, for paving, lighting, and watching, the town of Plymouth, in the county of Devon; and for regulating the carmen and porters within the said town.

C A P. IX.

An act to continue for a further time an act, made in the eighth year of his present Majesty's reign, intituled, An act to continue and amend an act, made in the fifth year of the reign of his present Majesty, intituled, An act for importation of salted beef, pork, bacon, and butter, from Ireland, for a limited time, and for allowing the importation of salted beef, pork, bacon, and butter, from the British dominions in America, for a limited time.

Preamble. Act 5 Geo. 3. Act 8 Geo. 3. and acts 9, 10, 11, 12, & 13 Geo. 3. Further continued till March 1, 1775.

C A P. X.

An act for reducing the duty payable upon the exportation of Gum Senega, granted by an act, made in the fifth year of the reign of his present Majesty, (intituled, An act for laying certain duties upon Gum Senega and Gum Arabic, imported into or exported from Great Britain, and for confining the exportation of Gum Senega from Africa to Great Britain only.)

Preamble.

Act 5 Geo. 3.

WHEREAS by an act, made in the fifth year of the reign of his present Majesty, (intituled, An act for laying certain duties upon Gum Senega and Gum Arabic, imported into or exported from Great Britain, and for confining the exportation of Gum Senega from Africa to Great Britain only,) a duty of one pound ten shillings was granted upon every hundred weight avoirdupoise of Gum Senega, which should be exported from Great Britain to any part beyond the seas: and whereas it has been found by experience, that the said duty being so high, has induced illicit traders to export great quantities of such gum privately out of this kingdom into foreign parts, without paying any duty for the same, and also to export such gum clandestinely from Senegal, directly to Holland, and other foreign parts, contrary to the said recited act, to the prejudice of the fair traders, and to the loss and detriment of the publick revenue; for remedy whereof, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the fifth day of April, one thousand seven hundred and seventy-four, the said duty of one pound ten shillings for every hundred weight of Gum Senega, granted by the said recited act, shall cease, determine, and be no longer paid; and that, in lieu and in stead thereof, there shall be paid to his Majesty, his heirs and successors, for every hundred weight avoirdupoise, of Gum Senega, which shall be exported from Great Britain to any parts beyond the seas, the sum of five shillings, over and above any other duty imposed thereon by any former act of parliament, and not repealed by this act, and after those rates for any greater or less quantity of such gum.

After 5 April, 1774, the duty of 1 l. 10 s. per cwt. on Gum Senega to cease; and in lieu thereof 5 s. per cwt. over every other duty imposed thereon, not repealed by this act.

The duty to be collected and applied as by the former act.

II. And be it further enacted by the authority aforesaid, That the said duty by this act granted, shall be raised, levied, collected, and recovered, by the same rules and regulations, and under

under the like penalties and forfeitures, and with the like allowances, for goods lost at sea; and shall be paid and applied in such manner, and to and for the same purposes, as the duty by this act repealed was raised, levied, collected, recovered, paid, and applied, as fully, to all intents and purposes, as if the several clauses, powers, and directions, relating thereto, were particularly repeated, and again enacted, in this present act.

III. Provided always, and it is hereby further enacted by the authority aforesaid, that nothing in this act contained shall extend, or be construed to extend, to charge the duty hereby granted upon such *Gum Senega* as shall be exported from *Great Britain* to *Ireland*, by licence from the commissioners of his Majesty's treasury, or the lord high treasurer for the time being, in pursuance of an act, made in the sixth year of the reign of his present Majesty, (intituled, *An act for explaining part of an act, made in the second year of the reign of his present Majesty, relating to the removal for home consumption of spirits made for exportation; for laying an additional duty upon the importation of silk crapes and tiffanies; for allowing the exportation of a certain quantity of Gum Senega and Gum Arabic to Ireland, free of duty, for the use of the Manufacturers there; for permitting the importation into this kingdom from the isle of Man of a certain quantity of bugles; and for altering certain regulations relating to the tonage of ships exporting and importing spirits.* No duty to be charged on Gum Senega exported from Great Britain to Ireland by licence.

C A P. XI.

An act to allow the exportation of a limited quantity of Biscuit and Pease to the Island of Newfoundland, for the benefit of the British fishery there.

WHEREAS by an act passed in the last session of Parliament, Preamble. (intituled, *An act to regulate the importation and exportation of corn,*) it was, (amongst other things,) enacted, That whenever the price of middling British wheat, at any port or place within the kingdom of Great Britain, from whence the same should be intended to be exported, should appear to be at or above the price of fortyfour shillings per quarter, such price being ascertained in manner in the said act mentioned, no person or persons whatsoever should, directly or indirectly, export, transport, carry, or convey, or cause or procure so to be, out of or from any such port or place, or load or lay on board, or cause or procure to be laden or laid on board, in any ship, or other vessel or boat, in order to be exported or carried out of any such port or place, any wheat, wheat meal or flour, or malt, bread, biscuit, or starch, made of wheat; and, whenever the price of middling British pease should appear at such port or place to be at or above the price of twentyeight shillings per quarter, no person or persons whatsoever should, directly or indirectly, export, transport, carry, or convey, or cause so to be, or load or lay on board, in any ship or other vessel or boat, in order to be exported or carried out of any such port or place, any pease, ground or unground, or any bread or biscuit made of pease, under the penalties and forfeitures in the

Quantity of
tons of biscuit,
and quarters
of pease, which
may be ex-
ported in one
year to *New-*
foundland.

Security to be
given to the
officers of
customs.

Officers mak-
ing false cer-
tificates, or
erasing or fal-
sifying such,
shall forfeit
200*l.*

Penalties how
recoverable.

the said act particularly mentioned and inflicted : and whereas it is necessary, at all times, to export biscuit and pease to the Island of Newfoundland, for the benefit of the British fishery there ; may it therefore please your Majesty that it may be enacted ; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, it shall and may be lawful to ship and export from the port of Bristol biscuit and pease, not exceeding in the whole one hundred and fifty tons of biscuit, and three hundred quarters of pease, in any one year ; and from the port of Poole biscuit and pease, not exceeding in the whole two hundred and fifty tons of biscuit, and seven hundred quarters of pease, in any one year ; and from the port of Dartmouth biscuit and pease, not exceeding in the whole one hundred and fifty tons of biscuit, and three hundred quarters of Pease, in any one year ; and also from the ports of Topsham and Tingsmouth, within the port of Exeter, biscuit and pease, not exceeding in the whole one hundred and fifty tons of biscuit, and three hundred quarters of pease, in any one year, to the island of Newfoundland, for the benefit of the British fishery there ; any thing in the said act to the contrary notwithstanding ; so as the exporter do, before the shipping or laying on board the same, become bound, with other sufficient security, in treble the value thereof, to the commissioners or chief officer or officers of his Majesty's customs belonging to the said ports of Bristol, Poole, Dartmouth, or Exeter respectively, (who hath or have hereby power to take such security in his Majesty's name, and to his Majesty's use,) that such commodities shall not be landed or sold in any parts whatsoever other than the said island of Newfoundland ; and that a certificate under the hand and seal of the collector, comptroller, or other chief officer of the customs, or if no such, of the naval officer, or some other principal officer there, shall, within the space of eighteen calendar months after the date of such bonds, (the danger of the seas excepted,) be returned to the officers who took the said bonds, that the said commodities have been landed in the said island of Newfoundland : and for the taking of such security, and for giving such certificates, (which the respective officers aforesaid are hereby, on demand, required to give,) no fee or reward shall be demanded or received : and if any officer shall make any false certificate of any such commodities being so landed, such officer shall forfeit the sum of two hundred pounds, and lose his employment, and be incapable of serving his majesty, his heirs or successors, in any office relating to the customs ; and if any person shall counterfeit, raise, or falsify, any such certificate, or knowingly publish any such counterfeit, raised, or false certificate, he shall forfeit the sum of two hundred pounds, and such certificate shall be void, and of no effect ; which said penalties for offences committed in Great Britain or Ireland shall be recovered in the same courts,

courts, and in the same manner, as the other penalties inflicted by the said recited act are recoverable; and for offences committed in the said island of *Newfoundland*, shall be recovered in the high court of admiralty, or in any chief court of the civil or criminal jurisdiction in the said island, and shall be divided into equal moieties between his Majesty and the informer; and the said bond or bonds, if not prosecuted within three years, shall be void; any thing in the said recited act to the contrary thereof in any-wise notwithstanding.

II. Provided always, and be it enacted by the authority When the Ex- aforesaid, That when the exportation of biscuit and pease, or portation shall either of them, shall, by the said act, be permitted; then, and be permitted, in such case, no such bond shall be required upon the ex- no bond to be portation to the said island of *Newfoundland*, or such of them required. as shall be so permitted.

III. Provided also, and be it enacted, That when any bounty Bounty, when shall be allowed upon the exportation of the said commodities, to be allowed. or either of them, the same bounty shall be allowed upon the exportation thereof to the said island of *Newfoundland*, under the regulations, provision, and restrictions, in the said act mentioned.

IV. And be it further enacted by the authority aforesaid, Continuation. That this act shall be in force during such time as the said recited act, passed in the last session of parliament, shall have continuance.

C A P. XII.

An act for vesting a piece of waste ground within, and parcel of, the manor of Clapham, in the county of Surry, in trustees, and for enabling them to build a new parish church thereon.

C A P. XIII.

An act for enabling Sir John Ramsden, Baronet, to make and maintain a navigable canal, from the river Calder (between a bridge called Cooper's Bridge and the mouth of the river Colne) to the King's mill, near the town of Huddersfield, in the west riding of the county of York.

C A P. XIV.

An act to repeal a clause in an act, made in the thirteenth year of his present Majesty's reign, intituled, An act to explain, amend, and reduce into one act of Parliament, the general laws now in being for regulating the turnpike roads in that part of Great Britain called England, and for other purposes; which regulates the width of the wheels, and the length of carriages liable to be weighed; and for indemnifying persons who have offended against the said clause.

WHEREAS by a clause in an act of parliament, made in Preamble. the thirteenth year of his present Majesty's reign, intituled, Clause in act An act to explain, amend, and reduce into one act of parlia- 13 Geo. 3. ment, the general laws now in being for regulating the turnpike repealed; roads in that part of *Great Britain* called *England*, and for other

other purposes; it is enacted, that no carriage, liable to be weighed by virtue of the said act, shall pass along any turnpike road, being above twenty miles from the cities of London or Westminster, unless the same shall be made and constructed in such manner that no pair of the wheels thereof shall be wider than four feet six inches from inside to inside, to be measured on the ground, (except wheels having the soles of the fellys thereof of the breadth of nine inches, which shall be so constructed as to roll a surface of sixteen inches, and that the wider pair of such wheels shall not be more than five feet eight inches from inside to inside, to be measured on the ground;) and that the distance from the centre of the fore wheel to the centre of the hind wheel of any waggon or four-wheeled carriage, not being used for the carriage of timber only, be not above nine feet, to be measured from the centre of the axle-trees at the ends thereof, on pain of the owner or owners of every such waggon, wain, or cart, forfeiting the sum of five pounds for every such offence; and that the surveyor or surveyors, gate-keeper or gate-keepers, of any Turnpike road, is and are thereby authorised and required, at any turnpike or toll-gate, or at any other place upon the turnpike road, to measure every such waggon, wain, or cart; and if any master, or driver of any waggon, wain, or cart, shall hinder, or refuse to permit such surveyor or surveyors, gate-keeper or gate-keepers, to measure such waggon, wain, or cart, as aforesaid, he or she shall forfeit the sum of five pounds; and that it shall not be lawful for any such waggon, wain, or cart, not permitted to be measured as aforesaid, to pass along any turnpike road: And whereas the provisions in the said clause contained have been found very inconvenient; be it therefore enacted by the king's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the said clause shall be, and is hereby declared to be repealed.

and hereby
repealed.

Persons guilty
of omissions
touching the
execution of
the said clause,
are indemnified;

and personal
actions for
such offence,
made void.

II. And be it further enacted by the authority aforesaid, that all and every person and persons who hath or have offended, or been guilty of any omission, touching the execution of the said clause, shall be, and is and are hereby indemnified against any penalty or forfeiture for the same; and that all personal actions and suits, indictments, informations, prosecutions, and proceedings whatsoever, which have been, or shall be, prosecuted or commenced against any person or persons, for or by reason of any such offence or omission, shall be, and are hereby made, void, to all intents and purposes whatsoever.

C A P. XV.

An act for making perpetual two acts, passed in the tenth and eleventh years of the reign of his present Majesty, for regulating the trials of controverted elections, or returns of members to serve in parliament.

WHEREAS an act passed, in the tenth year of the reign of ^{Preamble.}
his present Majesty, intituled, An act to regulate the trials ^{Act 10 Geo. 3.}
 of controverted elections, or returns of members to serve in
 parliament, *which act was made to continue for a limited time only :*
And whereas another act, passed in the eleventh year of the reign of
his said Majesty, intituled, An act to explain and amend an act, ^{and act 11}
 made in the last session of parliament, intituled, *An act to* ^{Geo. 3.}
regulate the trials of controverted elections, or returns of members
to serve in parliament : And whereas the provisions of the said
recited acts are well adapted to procure to the commons of this realm
a free and impartial trial of controverted elections of members to
serve in parliament, and have been found, by experience, to be prac-
ticable and beneficial : May it therefore please your Majesty that
 it may be enacted ; and be it enacted by the King's most excel-
 lent majesty, by and with the advice and consent of the lords
 spiritual and temporal, and commons, in this present parlia-
 ment assembled, and by the authority of the same, That the
 said recited acts, passed in the tenth and eleventh years of his
 present Majesty, shall be, and are hereby made, perpetual. ^{made perpet-}
^{tual by this}
^{Act.}

C A P. XVI.

An act for amending and rendering more effectual an act, made in the thirtieth year of the reign of his late majesty King George the Second, (intituled, An act for draining and preserving certain fen lands, low grounds, and commons, in the townships or hamlets of March and Wimblington, and in the parish of Upwell, in the Isle of Ely, and county of Cambridge,) so far as the same relates to the several fen lands and low grounds lying in the sixth district, in the said act described.

Preamble. Act 30. Geo. 2. Commissioners may lay an additional Tax. Penalty on not paying of Taxes. Clause repealed in former acts relating to qualification of commissioners. Qualification of commissioners. Owners of sixty acres of several lands, or four lots or doles, may appoint an agent to act as a commissioner. Joint owners of several lands, &c. may appoint agents. Commissioners may put the former act, in the sixth district, and this act, in execution. For borrowing money. Not to affect the creditors under former act. What sum may be borrowed. Charges of the act how to be paid. No money to be applied at such times as the interest due on the money borrowed shall be behind and unpaid. Penalty if the treasurer or receiver do not pay the interest when demanded. Commissioners empowered to sell mills or engines. Engines and mills may be insured from fire. Distress not unlawful for want of form, &c. Form of conviction. The clauses of the former act extended to this act. Limitation of Actions. General issue. Treble costs. Publick act.

C A P.

C A P. XVII.

An act for appointing commissioners to put in execution an act of this session of parliament, intitled, An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and seventy-four, together with those named in two former acts for appointing commissioners of the land Tax.

C A P. XVIII.

An act for defraying the charge of the pay and cloathing of the militia in that part of Great Britain called England, for one year, beginning the twenty-fifth day of March, one thousand seven hundred and seventy-four.

C A P. XIX.

An act to discontinue, in such manner, and for such time as are therein mentioned, the landing and discharging, lading or shipping, of goods, wares, and merchandise, at the town, and within the harbour, of Boston, in the province of Massachusetts Bay, in North America.

Preamble.

WHEREAS dangerous commotions and insurrections have been fomented and raised in the town of Boston, in the province of Massachusetts Bay, in New England, by divers ill-affected persons, to the subversion of his Majesty's government, and to the utter destruction of the publick peace, and good order of the said town; in which commotions and insurrections certain valuable cargoes of teas, being the property of the East India Company, and on board certain vessels lying within the bay or harbour of Boston, were seized and destroyed: And whereas, in the present condition of the said town and harbour, the commerce of his Majesty's subjects cannot be safely carried on there, nor the customs payable to his Majesty duly collected; and it is therefore expedient that the officers of his Majesty's customs should be forthwith removed from the said town: May it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of June, one thousand seven hundred and seventy-four, it shall not be lawful for any person or persons whatsoever to lade, put, or cause or procure to be laden or put, off or from any quay, wharf, or other place, within the said town of Boston, or in or upon any part of the shore of the bay, commonly called *The Harbour of Boston*, between a certain headland or point called *Nahant Point*, on the eastern side of the entrance into the said bay, and a certain other headland or point called *Alderton Point*, on the western side of the entrance into the said bay, or in or upon any island, creek, landing place, bank, or other place, within the said bay or headlands, into any ship, vessel, lighter, boat, or bottom, any goods, wares, or merchandise whatsoever, to be transported or carried into any other country, province, or place

Regulations,
after June 1,
1774, to be
observed in
lading on the
shore of Bos-
ton.

place whatsoever, or into any other part of the said province of the *Massachusetts Bay*, in *New England*; or to take up, discharge, or lay on land, or cause or procure to be taken up, discharged, or laid on land, within the said town, or in or upon any of the places aforesaid, out of any boat, lighter, ship, vessel, or bottom, any goods, wares, or merchandise whatsoever, to be brought from any other country, province, or place, or any other part of the said province of the *Massachusetts Bay* in *New England*, upon pain of the forfeiture of the said goods, wares, and merchandise, and of the said boat, lighter, ship, vessel, or other bottom into which the same shall be put, or out of which the same shall be taken, and of the guns, ammunition, tackle, furniture, and stores, in or belonging to the same: And if any such goods, wares, or merchandise, shall, within the said town, or in any the places aforesaid, be laden or taken in from the shore into any barge, hoy, lighter, wherry, or boat, to be carried on board any ship or vessel outward-bound to any other country or province, or other part of the said province of the *Massachusetts Bay* in *New England*, or be laden or taken into such barge, hoy, lighter, wherry, or boat, from or out of any ship or vessel coming in and arriving from any other country or province, or other part of the said province of the *Massachusetts Bay* in *New England*, such barge, hoy, lighter, wherry, or boat, shall be forfeited and lost.

II. And be it further enacted by the authority aforesaid, That if any warfinger, or keeper of any wharf, crane, or quay, or their servants, or any of them, shall take up or land, or knowingly suffer to be taken up or landed, or shall ship off, or suffer to be waterborne, at or from any of their said wharfs, cranes, or quays, any such goods, wares, or merchandise; in every such case, all and every such wharfinger, and keeper of such wharf, crane, or quay, and every person whatever who shall be assisting, or otherwise concerned in the shipping or in the loading or putting on board any boat, or other vessel, for that purpose, or in the unshipping such goods, wares, and merchandise, or to whose hands the same shall knowingly come after the loading, shipping, or unshipping thereof, shall forfeit and lose treble the value thereof, to be computed at the highest price which such sort of goods, wares, and merchandise, shall bear at the place where such offence shall be committed, at the time when the same shall be so committed, together with the vessels and boats, and all the horses, cattle, and carriages, whatsoever made use of in the shipping, unshipping, landing, removing, carriage, or conveyance of any of the aforesaid goods, wares, and merchandise.

III. And be it further enacted by the authority aforesaid, That if any ship or vessel shall be moored or lie at anchor, or be seen hovering within the said bay, described and bounded as aforesaid, or within one league from the said bay so described, or the said headlands, or any of the islands lying between or within the same, it shall and may be lawful for any admiral,

Penalty, if the wharfingers, or persons assisting, suffer goods to be waterborne, contrary to the said regulations.

Power of the admiral, chief commander, &c.

chief commander, or commissioned officer, of his Majesty's fleet or ships of war, or for any officer of his Majesty's customs, to compel such ship or vessel to depart to some other port or harbour, or to such station as the said officer shall appoint, and to use such force for that purpose as shall be found necessary: And if such ship or vessel shall not depart accordingly, within six hours after notice for that purpose given by such person as aforesaid, such ship or vessel, together with all the goods laden on board thereon, and all the guns, ammunition, tackle, and furniture, shall be forfeited and lost, whether bulk shall have been broken or not.

This act not to extend to military stores, nor to fuel, &c for the use of the inhabitants.

IV. Provided always, That nothing in this act contained shall extend, or be construed to extend, to any military or other stores for his Majesty's use, or to the ships or vessels whereon the same shall be laden, which shall be commissioned by, and in the immediate pay of, his Majesty, his heirs or successors; nor to any fuel or victual brought coastwise from any part of the continent of *America*, for the necessary use and sustenance of the inhabitants of the said town of *Boston*, provided the vessels wherein the same are to be carried shall be duly furnished with a cocket and let-pass, after having been duly searched by the proper officers of his Majesty's customs at *Marblehead*, in the port of *Salem*, in the said province of *Massachusetts Bay*; and that some officer of his Majesty's customs be also there put on board the said vessel, who is hereby authorised to go on board, and proceed with the said vessel, together with a sufficient number of persons, properly armed, for his defence, to the said town or harbour of *Boston*; nor to any ships or vessels which may happen to be within the said harbour of *Boston* on or before the first day of *June*, one thousand seven hundred and seventy four, and may have either laden or taken on board, or be there with intent to load or take on board, or to land or discharge any goods, wares, and merchandise, provided the said ships and vessels do depart the said harbour within fourteen days after the said first day of *June*, one thousand seven hundred and seventy-four.

Seizures, Penalties, &c. to be prosecuted by any admiral, &c.

500*l.* Penalty on persons conniving at the lading or unlading of goods, &c.

V. And be it further enacted by the authority aforesaid, That all seizures, penalties, and forfeitures, inflicted by this act, shall be made and prosecuted by any admiral, chief commander, or commissioned officer, of his Majesty's fleet, or ships of war, or by the officers of his Majesty's customs, or some of them, or by some other person deputed or authorised, by warrant from the lord high treasurer, or the commissioners of his Majesty's treasury for the time being, and by no other person whatsoever: And if any such officer, or other person authorised as aforesaid, shall, directly or indirectly, take or receive any bribe or reward, to connive at such lading or unlading, or shall make or commence any collusive seizure, information, or agreement for that purpose, or shall do any other act whatsoever, whereby the goods, wares, or merchandise, prohibited as aforesaid, shall be suffered to pass, either inwards

inwards or outwards, or whereby the forfeitures and penalties inflicted by this act may be evaded, every such offender shall forfeit the sum of five hundred pounds for every such offence, and shall become incapable of any office or employment, civil or military; and every person who shall give, offer, or promise, any such bribe or reward, or shall contract, agree, or treat with any person, so authorised as aforesaid, to commit any such offence, shall forfeit the sum of fifty pounds.

VI. And be it further enacted by the authority aforesaid, That the forfeitures and penalties inflicted by this act shall and may be prosecuted, sued for, and recovered, and be divided, paid, and applied, in like manner as other penalties and forfeitures inflicted by any act or acts of parliament, relating to the trade or revenues of the *British colonies or plantations in America*, are directed to be prosecuted, sued for, or recovered, divided, paid, and applied, by two several acts of parliament, the one passed in the fourth year of his present Majesty, (intituled, *An act for granting certain duties in the British colonies and plantations in America; for continuing, amending, and making perpetual, an act passed in the sixth year of the reign of his late majesty King George the Second, intituled, An act for the better securing and encouraging the trade of his Majesty's sugar colonies in America: for applying the produce of such duties, and of the duties to arise by virtue of the said act, towards defraying the expences of defending, protecting, and securing, the said colonies and plantations; for explaining an act made in the twenty-fifth year of the reign of King Charles the Second, intituled, An act for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trade; and for altering and disallowing several drawbacks on exports from this kingdom, and more effectually preventing the clandestine conveyance of goods to and from the said colonies and plantations, and improving and securing the trade between the same and Great Britain;*) the other passed in the eighth year of his present Majesty's reign, (intituled, *An act for the more easy and effectual recovery of the penalties and forfeitures inflicted by the acts of parliament relating to the trade or revenues of the British colonies and plantations in America.*)

Penalties inflicted by this act how to be prosecuted, &c.

VII. And be it further enacted by the authority aforesaid, That every charter party bill of loading, and other contract for consigning shipping, or carrying any goods, wares, and merchandise whatsoever, to or from the said town of *Boston*, or any part of the bay or harbour thereof, described as aforesaid, which have been made or entered into, or which shall be made or entered into, so long as this act shall remain in full force, relating to any ship which shall arrive at the said town or harbour, after the first day of *June*, one thousand seven hundred and seventy-four, shall be, and the same are hereby declared to be, utterly void, to all intents and purposes whatsoever.

Charter party bills of loading to be void.

VIII. And be it further enacted by the authority aforesaid, That whenever it shall be made to appear to his Majesty, in his privy council, that peace and obedience to the laws shall be so far restored in the said town of *Boston*, that the trade of *Great*

His Majesty, in respect to the haven of Boston, may, by proclamation, appoint its bounds.

Britain may safely be carried on there, and his Majesty's customs duly collected, and his Majesty, in his privy council, shall adjudge the same to be true, it shall and may be lawful for his Majesty, by proclamation, or order of council, to assign and appoint the extent, bounds, and limits, of the port or harbour of *Boston*, and of every creek or haven within the same, or in the islands within the precincts thereof; and also to assign and appoint such and so many open places, quays, and wharfs, within the said harbour, creeks, havens, and islands, for the landing, discharging, lading, and shipping of goods, as his Majesty, his heirs or successors, shall judge necessary and expedient; and also to appoint such and so many officers of the customs therein as his Majesty shall think fit; after which it shall be lawful for any person or persons to lade or put off from, or to discharge and land upon, such wharfs, quays, and places, so appointed within the said harbour, and none other, any goods, wares, and merchandise whatever.

Provido as to goods, &c. laden or landed on places prohibited.

IX. Provided always, That if any goods, wares, or merchandize, shall be laden or put off from, or discharged or landed upon, any other place than the quays, wharfs, or places, so to be appointed, the same, together with the ships, boats, and other vessels employed therein, and the horses, or other cattle and carriages used to convey the same, and the person or persons concerned or assisting therein, or to whose hands the same shall knowingly come, shall suffer all the forfeitures and penalties imposed by this or any other act on the illegal shipping or landing of goods.

Not to extend to enable his Majesty to appoint ports, creeks, &c. till satisfaction be made to the East India company.

X. Provided also, and it is hereby declared and enacted, That nothing herein contained shall extend, or be construed, to enable his Majesty to appoint such port, harbour, creeks, quays, wharfs, places, or officers, in the said town of *Boston*, or in the said bay or islands, until it shall sufficiently appear to his Majesty that full satisfaction hath been made by or on behalf of the inhabitants of the said town of *Boston* to the united company of merchants of *England* trading to the *East Indies*, for the damage sustained by the said company by the destruction of their goods sent to the said town of *Boston*, on board certain ships or vessels as aforesaid; and until it shall be certified to his Majesty, in council, by the governor, or lieutenant governor, of the said province, that reasonable satisfaction hath been made to the officers of his Majesty's revenue, and others, who suffered by the riots and insurrections above mentioned, in the months of *November* and *December*, in the year one thousand seven hundred and seventy-three, and in the month of *January*, in the year one thousand seven hundred and seventy-four.

Limitation of actions.

General issue.

XI. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced, either in *Great Britain* or *America*, against any person or persons, for any thing done in pursuance of this act of parliament, the defendant or defendants, in such action or suit, may plead the general issue, and give the said act, and the special matter, in evidence, at any trial to be

had

had thereupon, and that the same was done in pursuance and by the authority of this act: and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared: or if judgment shall be given upon any verdict or demurrer, against the plaintiff, the defendant or defendants shall recover treble costs, and have Treble costs. the like remedy for the same, as defendants have in other cases by law.

C A P. XX.

An act for the relief of prisoners charged with felony, or other crimes, who shall be acquitted or discharged by proclamation, respecting the payment of fees to gaolers, and giving a recompence for such fees, out of the county rates.

WHEREAS persons in custody for felonies, or other crimes, Preamble, or on suspicion thereof, or as accessaries thereto, though no bills of indictment are afterwards preferred or found against them, or they are acquitted on their trials, are nevertheless frequently detained for certain fees to the sheriffs, gaolers, or keepers of prisons, in whose custody they happen to be, which is both oppressive and unjust: for remedy whereof, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That every prisoner who now Prisoners is, or hereafter shall be, charged with any felony or other crime, charged with or as an accessary thereto, before any court holding criminal felony or jurisdiction, within that part of Great Britain called England and other crimes in England, Wales, against whom no bill of indictment shall be found by the grand jury, or who, on his or her trial, shall be acquitted, or for want of who shall be discharged by proclamation, for want of prosecution to be set at large. tion, shall be immediately set at large in open court, without the payment of any fee or sum of money to the sheriff, gaoler, or keeper of the gaol or prison, from whence he or she shall be so discharged, and set at liberty, for or in respect of such discharge.

II. And be it further enacted by the authority aforesaid, That Sheriffs, gaol- all such fees as have been usually paid, or payable, to the several ers, or keep- sheriffs, gaolers, and keepers of prisons in England and Wales, er's fees, abo- in any of the cases aforesaid, shall absolutely cease, and the same lished, are hereby abolished and determined; and from and after the passing of this act, no gaoler, or keeper of any gaol or prison, shall ask, demand, take, or receive, any sum or sums of money from any of the said prisoners, as fees, for, upon, or in respect of his or her discharge.

III. And be it further enacted by the authority aforesaid, That, The treasurers in lieu of such fees so abolished as aforesaid, the treasurers, or of counties, &c. as are not other proper officers of the several counties, or of such districts, assessed at hundreds, ridings, or divisions, of a county, as are not usually large, on re- assessed cept of a cer-

tificate, signed
by a judge, &c.
shall pay to
such gaolers
not exceeding
13s. 4 d. in
lieu of such
fees.

assessed to the county at large, and of such cities, towns corporate, cinque ports, liberties, franchises, and places, as do not pay to the rates of the several counties in which they are respectively situated, shall, on receiving a certificate, signed by one or more judge or justice, before whom such prisoner shall have been discharged as aforesaid, (which certificate the judge or justice is hereby required to give), pay out of the rates of such county, or of such district, hundred, riding, or division, or out of the publick stock of such city, town corporate, cinque port, liberty, franchise, or place, such sum as has been usually paid upon that occasion, not exceeding thirteen shillings and four pence for every prisoner so discharged as aforesaid, to the sheriff, gaoler, or keeper of the prison, whence the said prisoner shall have been discharged as aforesaid; which several sums so paid in pursuance of this act, shall be respectively allowed to the said treasurers and officers by the justices before whom their accounts shall be passed.

C A P. XXI.

An act for more effectually carrying into execution certain proposals, made by the most noble Henry duke of Buccleugh, the most noble Charles duke of Queensberry and Dover, and others, for redeeming the annuities granted by the company of the bank of Ayr, in that part of Great Britain called Scotland, known under the firm of Douglas, Heron, and Company.

Preamble.

WHEREAS the most noble Henry duke of Buccleugh, the most noble Charles duke of Queensberry and Dover, the right honourable Patrick earl of Dumfries, Archibald Douglas of Douglas esquire, and a considerable number of other persons, did, in the year of our Lord one thousand seven hundred and sixty nine, enter into a partnership, and subscribe a capital or stock of one hundred and sixty thousand pounds, or thereabouts, for carrying on the business of banking in that part of Great Britain called Scotland, under the firm of Douglas, Heron, and Company, with intention chiefly of improving manufactures and agriculture, by accommodating and extending the credit of the manufacturers and farmers of that part of the kingdom: and whereas, by too great an enlargement of the credit given to the manufacturers, farmers, and others, the partnership did, in June, one thousand seven hundred and seventy two, come to be in great want of money to satisfy the demands made upon them, owing to the check given to credit by the many bankruptcies that happened at that time in different parts of this kingdom: and whereas the copartners in the said company, in order to raise money to satisfy the demands upon them, and thereby prevent the bankruptcy of many, which their stopping payment would necessarily have occasioned, did raise, on granting annuities for one and two lives, the sum of four hundred and fifty thousand pounds, and upwards, subject to a power given by the purchasers of the said annuities, by verbal agreement, for the said copartners to redeem the said annuities, by repaying the purchase-money originally given for the said annuities, and one half-year's annuity

more,

more, as a premium for such power of redemption: and whereas the said copartners, in order to extricate their affairs, and to enable them to redeem their said annuities, did, at a general meeting, held on the twelfth day of August, one thousand seven hundred and seventy three, resolve to discontinue the said banking business, and nominated and appointed the persons following, being twelve of the copartners, or any three of them, to be a committee, with power to do every thing necessary for managing and winding up the affairs of the partnership that could be done by the resolutions of a general meeting, videlicet, The said Henry duke of Buccleugh, the said Charles duke of Queensberry and Dover, Archibald Douglas of Douglas, John Hamilton of Sundrum, Alexander Ferguson of Craigarroch, Ilay Campbell, David Ferguson, Alexander Wight, John Campbell, Andrew Crosbie, George Home, and Alexander Mockonochie, esquires: and whereas, at another meeting of the said copartners, held on the twenty-first day of December, one thousand seven hundred and seventy three, the persons following were added to the said committee, videlicet, Thomas Lockart esquire, commissioner of excise, and John Syme, writer to the signet, and any five of the said committee were declared to be a quorum, for executing all business: and whereas the the said committee, after much consideration of the most proper and effectual method of redeeming the said annuities, finding it was impossible to raise any considerable sum for that purpose out of the funds of the partnership, without bringing great distress upon their debtors, and injuring the credit of that part of the kingdom where they chiefly resided, did call a meeting of the annuitants together, on the ninth day of February, one thousand seven hundred and seventy four, and deliver to them, in writing, the following proposals: First, That his grace the duke of Buccleugh, the duke of Queensberry, Archibald Douglas, esquire, and others, being the present committee, chosen and appointed by a general meeting of proprietors at Edinburgh, to manage the affairs of the said messieurs Douglas, Heron, and Company, do execute bonds of fifty pounds each, some few broken sums excepted, to the amount of the original sums paid for the said annuities, with the addition of half a year's purchase, or fifty pounds more, on every annuity of one hundred pounds, and pro rata for every greater or lesser annuity, the said committee binding themselves, and their heirs and executors, and having a power to bind all the partners of the said company, and their heirs and executors, to the due performance of the obligations in the said bonds: Secondly, That the said bonds of fifty pounds each, carrying an interest of five pounds per hundred pounds, be made payable to a person named, his executors, administrators, or assigns, by indorsement, and rendered to all intents and purposes negotiable and vendible, like East India bonds, navy, and exchequer bills, or any effects of a similar nature: Third, That as the principal of the said bonds, the premium of redemption included, is estimated nearly at four hundred and eighty thousand pounds, the interest at five per centum thereon is twenty-four thousand pounds per annum, it is further proposed, that specifick estates in land unentailed in Scotland, to the clear amount in rent of thirty-two thousand pounds per annum, or upwards, be subjected, by mortgage, as a corroborative security for

the discharge of the principal and interest of the said bonds; that is to say, Of the interest every half-year in London; and of the principal by four instalments, videlicet, One fourth part, as nearly as the whole may be conveniently divided, at Midsummer, one thousand seven hundred and seventy eight: One fourth part at Midsummer, one thousand seven hundred and seventy nine; One fourth part at Midsummer, one thousand seven hundred and eighty; and the last, whether something more or less than a fourth, at Midsummer, one thousand seven hundred and eighty two: Fourth, That the care of investigating the titles and values of the said estates in lands, and of executing the securities in due form, be left to James Montgomery esquire, lord advocate, and Henry Dundas esquire, solicitor general, of Scotland, with the approbation, and under the inspection, of Alexander Wedderburn esquire, solicitor general of England, and Joseph Banks, of Lincoln's Inn, esquire, upon the recent precedent of a similar transaction, when a loan of fourscore thousand pounds was furnished to the said company on the security of other landed estates, under the care, and by the advice, of the same learned gentlemen: Fifth, That after the said landed estates, in the present instance, to the amount, in rent, of thirty two thousand pounds per annum, or so much thereof as shall be adequate to the claim of such annuitants as shall subscribe their assent to these proposals, shall have been approved of by the said four learned gentlemen, the mortgage deeds, called Heretable Bonds in Scotland, shall be made out and assigned to sir William Henry Ashurst, one of the judges of his Majesty's court of king's bench, the said lord advocate and solicitor general of Scotland, the said Alexander Wedderburn solicitor general of England, Joseph Banks, Richard Glover, and Alexander Mackonochie, esquires, or to any other persons in Scotland or England, in number more or less, at the election of the annuitants themselves, for the special purpose of being trustees, and holding the said estates of thirty two thousand pounds, clear rent, in behalf of the annuitants, for the full and due performance of the obligations in the said bonds, which are to be substituted in lieu of the annuities by the said committee of messieurs Douglas, Heron, and Company: Sixth, That in case the said annuitants, or any number of them, shall accept of these offers, and of the before-named seven persons as trustees for all or such proportion of the said mortgages as shall be adequate to the claim of such number as shall subscribe their assent, it is further provided and earnestly desired, that they will appoint three or five gentlemen, of their own body, to inspect all the proceedings relative to this transaction, and to report the same at a publick meeting to be called by the inspectors: Seventh, That when, with the approbation and concurrence of the said inspectors, all the premises above mentioned shall have passed the regular forms, and the holders of annuities shall be put in possession of bonds to the amount of seven hundred and fifty pounds for an annuity of one hundred pounds on one life, and eight hundred and fifty pounds for an annuity of one hundred pounds on two lives, and pro rata for every greater or lesser annuity; and when they shall have received in money whatever is accrued and due for the annuities down to the date of the new bonds; that then the old bonds and judgments, or other securities, by which they claimed their said annuities,

nuities, shall be given up, and satisfaction acknowledged on the said judgments: Eighth, That in case any of the annuitants, who shall sign their assent to these proposals, should die before the final execution of the same, all the benefit thereof shall remain to their heirs and executors, as fully and effectually as if the original annuitants were actually alive; but if the said proposals should not be made good, in that case the present annuitants shall remain in the same state of annuitants they now are: Ninth, That parliament shall be applied to for an act, under whose sanction and authority the bonds may be lawfully issued: and whereas, the annuitants present at the said meeting having taken the said proposals into consideration, did unanimously agree to the same, and the following memorandum was then subscribed by many of the said annuitants present, and hath since been subscribed by many others who were not then present; videlicet, London, ninth February, one thousand seven hundred and seventy four. We underwritten purchasers of annuities from messieurs Douglas, Heron, and Company, consent and agree to the within proposals for the redemption of the same, and approve of the trustees named in the fifth article; and, in conformity with the sixth, appoint sir Thomas Frankland baronet, Martin Bladen Hawke esquire, George Dempster esquire, Peregrine Cust esquire, and Daniel Giles esquire, to be our inspectors over all proceedings relative to the execution of the said proposal: and whereas it would greatly facilitate the redeeming the said annuities, and save much trouble and expence to the said copartners, if the committee appointed for settling the affairs of the said copartnership, or any five or more of them, were enabled to issue bonds for securing the payment to the respective annuitants of the principal money and interest, according to the said proposals, or to raise money thereon for the redemption of the said annuities, and to make the said bonds negotiable by indorsement thereon; but it being apprehended that the same cannot be rendered effectual to answer the intention of the parties, or the said proposals carried into execution, without the aid and authority of parliament; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the said Henry duke of Buccleugh, Charles duke of Queensberry and Dover, Archibald Douglas of Douglas, esquire, John Hamilton of Sundrum, Alexander Ferguson of Craigdarroch, Ilay Campbell, David Ferguson, Alexander Wight, John Campbell, Andrew Crosbie, George Home, Alexander Mackonochie, Thomas Lockhart, and John Syme, or any five of them, (of which the said Henry duke of Buccleugh, Charles duke of Queensberry and Dover, and Archibald Douglas of Douglas, esquire, or any two of them, or the survivor of them, shall be three, two, or one, as the case may happen), to execute and issue bonds for the payment of any sum or sums of money, not exceeding in the whole five hundred thousand pounds, for redeeming the annuities so granted by the partnership of Douglas, Heron, and Company, as aforesaid, or for raising money thereon for redeeming the said annuities, or any part thereof; each of

The committee to grant bonds.

which said bonds shall not be for securing less than fifty pounds and interest, and shall be conceived in the following words, or words to the like effect; (that is to say,)

Form of the
bonds.

Know all men, *by these presents, That we being a quorum of the committee, nominated and appointed by the co-partners of the partnership in Scotland, which past under the firm of Douglas, Heron, and Company, with power to do all things necessary for extricating the affairs of the said company, are held and firmly bound to* in the sum of
of lawful money of Great Britain; for the due payment whereof we bind the said company, and ourselves, and each of us, and our and each of our heirs, executors, and administrators, and the copartners of the said copartnership, and each of them, and their and each of their heirs, executors, and administrators respectively. Witness our hands this
day of one thousand seven hundred
and

The condition of the above-written obligation is such, That if the said or any of them, or the said messieurs *Douglas, Heron, and Company*, do and shall well and truly pay, or cause to be paid, unto the said his executors, administrators, or assigns, the sum of of lawful money of Great Britain, at or on the *Royal Exchange* in the city of London, on the day of which will be in the year of our Lord one thousand seven hundred and with interest for the same in the mean time, at the rate of per centum per annum, in London, by two half-yearly payments; that is to say, On the day of and day of in every year, by even and equal portions, free from all taxes and deductions whatsoever, the first payment thereof to be made on the day of next ensuing the date of the said obligation, then the said obligation shall be void, or else to remain in full force and virtue.

Bonds to be
numbered.

Which bonds so to be given shall be numbered, beginning with number I. and so proceeding in arithmetical progression, and shall be entered in a book, to be kept for that purpose, by *Kenneth McKenzie of Spring Gardens*, in the city of *Westminster*, esquire, without fee or reward, or by such other person as shall be appointed by the said inspectors; and which bonds shall be inspected and approved of by any one of the said inspectors in the following words: *I have inspected, and approve this bond.*

Heretable securities to be
granted to
trustees.

II. Provided always, That prior to the issuing of the said bonds, heretable security shall be granted and constituted to sir *William Henry Ashurst knight, James Montgomery, Alexander Wedderburn, Henry Dundas, Joseph Banks, Richard Glover, and Alexander Mackenzie*, esquires, in trust, in terms of the proposals before mentioned.

All bonds
given by the

III. And be it further enacted by the authority aforesaid, That all

all bonds to be given by the said *Henry duke of Buccleugh, Charles duke of Queensberry and Dover, Archibald Douglas of Douglas esquire, John Hamilton of Sundrum, Alexander Ferguson of Craigdarroch, Ilay Campbell, David Ferguson, Alexander Wight, John Campbell, Andrew Croßbie, George Hame, Alexander Mackonochie, Thomas Lockhart, and John Syme*, or any five of them, (of which the said *Henry duke of Buccleugh, Charles duke of Queensberry and Dover, and Archibald Douglas of Douglas esquire*, or any two of them, or the survivor of them, shall be three, two, or one, as the case may happen), shall be upon parchment or paper, with a stamp of two shillings and sixpence; and shall be assignable by indorsement upon the original bond without stamps, to any person or persons whomsoever; and such bond or bonds may, in like manner, be again assignable by indorsement, without stamps, as aforesaid, and so *toties quoties*, as often as occasion shall be or require: and that such indorsee or indorsees of such bond or bonds shall and may, and they are hereby impowered to bring any action or actions, suit or suits, at law, or in equity, in his, her, or their name or names, against the persons so giving such bond or bonds as aforesaid, or any of them, their or any of their heirs, executors, or administrators, or any other of the said copartners of the said copartnership, their or any of their heirs, executors, or administrators, for the recovering and receiving the several sums of money for which such bond or bonds shall be so given, and the interest respectively due for the same, as fully and effectually, to all intents and purposes, as though the said bond or bonds had been originally given and entered into to such indorsee or indorsees.

trustees to be stamped with a 2s. 6d. stamp.

Bonds to be transferrable by indorsement without stamps.

Indorsees may bring actions at law for the recovery of their money.

IV. Provided always, That the said bonds shall not be negotiable or transferrable by indorsement after the twenty-fourth day of *June*, one thousand seven hundred and eighty two.

Bonds not negotiable by indorsement after June 24, 1782.

V. Provided also, That nothing in this act contained shall extend, or be construed to extend, to affect any questions or disputes that have arisen, or may arise, between the different partners of the said company, known under the firm of *Douglas, Heron, and Company*.

Proviso.

VI. And be it further enacted by the authority aforesaid, That the aforesaid bonds of fifty pounds each, or upwards, shall, notwithstanding the heretable bonds, and real security to be given in trust, as aforesaid, be considered and taken and held to be personal or moveable estates, and shall belong to the executor or administrator or personal representative, and not to the heir of the creditor, and may be disposed of or transmitted to any person or persons, by deed or will, in such and the same manner as any other personal estate is disposed of or transmitted in *Scotland or England*; any law, custom, or usage, to the contrary notwithstanding.

Bonds to be personal estate.

VII. And be it further enacted and declared by the authority aforesaid, That this act shall be deemed, taken, and allowed, in all courts within *England or Scotland*, to be a publick act; and shall be judicially taken notice of as such by all judges, justices, and other persons, without specially pleading the same.

Publick act.

C A P. XXII.

An act to enable his Majesty to grant unto major general Simon Fraser the lands and estate of the late Simon lord Lovat, upon certain terms and conditions.

Preamble.

Act 25 Geo. 2.

WHEREAS by an act, made in the twenty-fifth year of the reign of his late majesty King George the Second, intituled, An act for annexing certain forfeited estates in Scotland to the crown unalienably; and for making satisfaction to the lawful creditors thereupon; and to establish a method for managing the same, and applying the rents and profits thereof, for the better civilizing and improving the highlands of Scotland, and preventing disorders there for the future); *all and every the lands, lordships, baronies, patronages, tythes, salmon fishings, and other like heritages and estates whatever, which became forfeited to his said late Majesty by the attainder of Simon late lord Lovat, were unalienably annexed to the imperial crown of these realms: and whereas, before the attainder of the said Simon late lord Lovat, his said estate was settled by a deed of entail, which coming to be tried before the court of session in Scotland, the estate was determined to be forfeited by a majority of one voice, and that judgment was not appealed from: and whereas, in the year one thousand seven hundred and forty-seven, proof was brought before parliament of the means used to involve Simon Fraser, eldest son of the said Simon late lord Lovat, in the late unnatural rebellion, at a tender age; and the said Simon Fraser, ever since he was capable of acting for himself, hath testified his loyalty to his Majesty and the royal family, and proved the sense he entertained of the excellence of the happy constitution of this country, by declining to engage in the service of a foreign state, though destitute of any establishment here; and by dedicating himself to the service of his country at the beginning of the late war; upon which occasion he raised, in a very short time, a large body of men, and commanded a regiment composed of them, with which he served meritoriously during the course of it; and was the first who offered to set that example, which, in its consequences, proved advantageous to the state, by calling forth, from a corner of the kingdom, many thousand soldiers, whose efforts to demonstrate their zeal and attachment to his Majesty's royal person and government contributed to the glory and success of that war: and whereas the said Simon Fraser hath, in the course of his service, attained the rank of major general in his Majesty's army, and since the peace hath been employed, by his Majesty's command, in the service of a power whose alliance this country hath always deemed important: by all which his case appears to be peculiarly distinguished: may it therefore please your Majesty, (upon the humble petition of the said major general Simon Fraser), that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same,*
That

That it shall and may be lawful to his Majesty, his heirs and successors, to give, grant, and dispone unto the said major general *Simon Fraser*, his heirs and assigns, all and every the lands, lordships, baronies, patronages, tithes, salmon and other fishings, and other like heritages and estates whatever, which became forfeited to his said late Majesty, by the attainder of the said *Simon* late lord *Lovat*, and which were annexed to the imperial crown of these realms, by the before-recited act of the twenty-fifth year of the reign of his said late Majesty, in the same manner, and as fully and extensively, to all intents and purposes, as the same, and every part and parcel thereof, were vested in his said late Majesty by the attainder of the said *Simon* late lord *Lovat*, and as the same, and every part and parcel thereof, were held, enjoyed, and possessed, by the said *Simon* late lord *Lovat*, before his attainder; any thing in the said before-recited act of the twenty-fifth year of the reign of his said late Majesty to the contrary notwithstanding: subject always, nevertheless, to, and chargeable with, the payment to his Majesty, his heirs and successors, of the sum of twenty thousand nine hundred eighty-three pounds and one penny sterling of principal money, together with interest for the same, at the rate of three pounds sterling *per centum per annum*, the said principal sum of twenty thousand nine hundred eighty-three pounds and one penny sterling to be, and the same is hereby declared to be payable unto his Majesty, his heirs and successors, by the said major general *Simon Fraser*, his heirs and assigns, at any term of *Whitsunday* that the same shall be demanded after the term of *Whitsunday* that shall be in the year of our Lord one thousand seven hundred and eighty-four, upon twelve months previous notice to be for that purpose given, in writing, to the said major general *Simon Fraser*, his heirs or assigns; and the said interest to commence from the term of *Whitsunday* which shall immediately follow the date of the aforesaid grant, and to be paid annually afterwards to his Majesty, his heirs and successors, or to the receiver-general for the time being of the rents, revenues, and casualties, belonging to the crown in *Scotland*, on behalf of his Majesty, his heirs and successors, at every following term of *Whitsunday*, so long as the aforesaid sum of twenty thousand nine hundred eighty-three pounds and one penny sterling, of principal money, shall continue and remain unpaid.

His Majesty, &c. may grant unto major general *Simon Fraser* all the lands, &c. forfeited by the attainder of *Simon* late lord *Lovat*,

but subject to the payment of 20,983 l. 1 d. sterling with interest at 3 l. per cent. at any term after *Whitsunday*, 1784.

II. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful to, and in the power of, the said major general *Simon Fraser*, his heirs and assigns, to make payment to his Majesty, his heirs and successors, or to the receiver-general aforesaid for the time being, on behalf of his Majesty, his heirs and successors, of the aforesaid sum of twenty thousand nine hundred eighty-three pounds and one penny sterling, with so much interest thereof, at the rate aforesaid, as shall happen to be due at the time, at any term of *Whitsunday*, after the term of *Whitsunday* which shall be in the year of our Lord one thousand seven hundred and seventy-four; and that

Major general *Fraser* may make payment of the aforesaid sum at any term after *Whitsunday* 1774.

and his Majesty's receiver-general may grant a full discharge, according to the forms of law in Scotland.

that on such payment being made, the said receiver-general for the time being shall have power and authority, and he is hereby empowered, authorised, and required, to execute, on behalf of his Majesty, his heirs and successors, and to deliver to the said major general *Simon Fraser*, his heirs and assigns, a full and ample discharge and renunciation of the said money, principal and interest, prepared according to the forms prescribed by the law of *Scotland*, for discharging and renouncing an heritable debt or incumbrance upon a real estate in that part of the united kingdom; and that the receipts or discharges which shall be from time to time given to the said major general *Simon Fraser*, his heirs and assigns, by the said receiver-general for the time being, on receiving payment of the interest money above mentioned, and also the discharge and renunciation hereby directed and required to be executed and delivered by the said receiver-general for the time being, on receiving payment of the aforesaid principal money, and interest thereof, due at the time of such payment, shall be good, valid, and sufficient acquittances, and a good, valid, and sufficient discharge and renunciation to the said major general *Simon Fraser*, his heirs and assigns, in the same manner, and as effectually, to all intents and purposes, as if the said receipts, and the said discharge and renunciation, had been granted by his Majesty, his heirs or successors; any law or usage to the contrary notwithstanding.

After the date of the grant by his Majesty, the act 25 Geo. 2. with respect to the estate of the late lord Lovat, to be repealed.

III. And be it further enacted by the authority aforesaid, That from and after the date of such grant so to be made by his Majesty, his heirs or successors, of all and every the lands, lordships, baronies, patronages, tithes, salmon and other fishings, and other like heritages and estates whatever, which became forfeited to his said late Majesty by the attainder of the said *Simon late lord Lovat*, and which were afterwards, by the before-recited act of the twenty-fifth year of the reign of his said late Majesty, annexed to the imperial crown of these realms, the said act of the twenty-fifth year of the reign of his said late Majesty, so far as it relates to the before-mentioned lands, lordships, baronies, patronages, tithes, salmon and other fishings, and other like heritages and estates whatever, forfeited by the attainder of the said *Simon late lord Lovat*, and annexed as aforesaid, shall be, and the same is hereby repealed: and all and every the said lands, lordships, baronies, tithes, salmon and other fishings, and other like heritages and estates whatever, which became forfeited to his said late Majesty by the attainder of the said *Simon late lord Lovat*, shall from thenceforth be disannexed from the imperial crown of these realms, in the same manner, and as fully and effectually, as if the said act of the twenty-fifth year of the reign of his said late Majesty had never been made; any thing in the said act to the contrary notwithstanding.

Saving clause with respect to bodies politic, &c.

IV. Saving to all and every person and persons, bodies politic and corporate, his, her, and their heirs, successors, executors, and administrators, (other than and except the King's most excellent majesty, his heirs and successors), all such estates, rights,

rights, titles, interests, claims, and demands, of, into, and out of, the lands and premises to be granted as aforesaid, as they, every, or any of them, had before the passing this act, or should or might have held or enjoyed, in case this act had never been made.

C A P. XXIII.

An act for amending, and rendering more effectual, several acts of parliament of the sixteenth and seventeenth, and twenty-second years of King Charles the Second, and of the eleventh year of his late Majesty, for draining and preserving certain lands called Deeping Fens, in the county of Lincoln.

Preamble. Adventurers may take down and remove wharfs, buildings, &c. **Proviso.** Adventurers may purchase wharfs, &c. Guardians, &c. impowered to sell. Persons refusing to treat, a jury to be summoned. Jurors may be challenged. Witnesses may be summoned and examined upon oath. Verdicts of the jury to be filed with the clerk of the peace. After satisfaction is made, adventurers may proceed in the works. Expenses of the jury how to be borne. What works are to be done by the adventurers. The new cut, to be made from the sea sluice to Vernat's Drain, shall be carried in a parallel line with the river Welland. Earth taken out of new cut to be laid on each side. Power of commissioners of sewers, respecting the shutting Podehole Sluice, &c. altered. Commissioners of sewers may order tunnels to be made in the banks, &c. Adventurers not to be answerable for damages occasioned by tunnels, &c. Adventurers may pull down and rebuild Surfleet and Cross-gate Bridges. Gravel Drain, &c. to be scoured. The Sea Sluice and Podehole Sluice, in the first place, to be made and widened. The adventurers may regulate tunnels in the north west side of the rivers Welland and Glen. Proprietors of lands, guardians, &c. may borrow money for the purposes of this act. The times of holding annual meetings. Days for paying the taxes laid by the adventurers. Saving the rights of the commissioners of sewers. Prejudicing of the works made for improving certain fen lands lying between Boston Haven and Bourn, how to be prevented. Every person shall account upon oath for the money received, &c. if thereunto required. Expenses of the act how to be paid. Persons aggrieved may appeal to the quarter sessions. Limitation of actions. General issue. Treble costs. Publick act.

C A P. XXIV.

An act for paving, repairing, lighting, and watching, the streets, and other publick passages and places within that part of the parish of Clerkenwell called Saint James's, and removing obstructions and Annoyances therein; for widening the passage from Clerkenwell Green to the parish church; and for watching and lighting certain highways within the said parish.

C A P. XXV.

An act for the more effectual preventing frauds, and embezzlements, by persons employed in the woollen manufactory.

WHEREAS frauds are frequently committed, and embezzlements made, by persons employed in the woollen manufactory, particularly by their secreting, selling, or otherwise illegally disposing of, the working tools and materials they are intrusted with, by the weavers taking the biers out of the chains, and withholding part of the woof or abb yarn delivered to them, and by the pickers, scribblers, and spinners, embezzleing, part of the wool and yarn intrusted to them, and also by damping, steaming, and watering, the residue, in order

Preamble.

order to make up the deficiency in weight, occasioned by such embezzlements, and also by taking off, picking, or cutting out the list, forrel, or other marks, of any piece or pieces of cloth, by means whereof the clothiers sustain great damage and loss: and whereas the abuses committed in the cloathing manufacture by persons carrying, collecting, buying, and receiving, from the labourers employed in that manufacture, ends of yarn, wesis, thrumbs, short yarn, and other refuse of cloth, druggel, and other woollen goods, and goods mixed with wool, have been found very detrimental to the said manufactures; and the said frauds and abuses are frequently carried on and committed so secretly, that the laws now in being are by no means sufficient to prevent the same, whereby persons employed in the said manufacture are tempted and encouraged to embezzle, purloin, secrete, sell, and detain, the goods and materials with which they are intrusted by the clothiers, and other woollen manufacturers, so that the cloth made comes out defective in the substance, perfection, and excellence intended by the clothier, to the discredit of the manufacturer, and injury of the publick: and whereas it is apprehended such frauds and embezzlements would not be so frequent if the detection and punishment of the said offences were made more easy and certain: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any picker, scribbler, spinner, or weaver, or other person or persons whatsoever, who shall be any-ways employed in or about the making or manufacturing of woollen cloth, or in preparing materials for that purpose, shall not return all working tools or implements, wool, yarn, chain, woof, or abb, delivered out to be worked up and manufactured, and all such materials, as aforesaid, wherewith he, she, or they, shall be intrusted, or give a satisfactory account touching the same respectively, to his, her, or their employer, when thereunto required by the person or persons by whom he, she, or they, shall have been so intrusted, or by his, her, or their known clerk or servant, or shall fraudulently steam, damp, or water the wool or yarn delivered to him, her, or them, to be worked up; or if any person or persons shall take off, cut, or pick out, the list, forrel, or other mark, of any piece of cloth, and shall be convicted of any such offence before some justice or justices of the peace for the county, division, liberty, or place, where the person or persons so offending shall reside, either by the confession of the party or parties, or by the oath or oaths of one or more credible witness or witnesses; every such person so convicted shall be committed to the house of correction for the space of one calendar month.

II. And be it further enacted, That if any person or persons so employed, and who shall have been entrusted with any tools, implements, wool, yarn, chain, woof, or abb, or other materials as aforesaid, shall not have delivered or accounted for the same, shall abscond, or cannot be found, or shall sell, or otherwise dispose

Persons employed in the woollen manufacture, not returning implements and materials to their employers;

or shall cut or pick off the list or mark of cloth, on conviction before a justice, to be committed for one calendar month.

Persons absconding and selling materials;

pose of the same, or any other part thereof; or if any person or persons shall fraudulently buy or receive such tools, implements, or materials, of any person so employed or entrusted; or if any person or persons shall be suspected of, and charged on, such suspicion with having embezzled and kept back, by means of fraudulently damping, steaming, or watering, the wool and yarn delivered out to him, her, or them; or with having sold, bought, or otherwise received the same, or any part thereof, as aforesaid, and oath shall be made thereof respectively before one of his Majesty's justices of the peace for the county, division, liberty, or place, where any such offence was committed; such justice shall thereupon issue his warrant to any constable or constables, or other peace officer or peace officers, to enter into and search, in the day-time, the place of dwelling or residence of such person or persons so offending, and also such other house or place, houses or places, of which the clothier, clerk, or servant, as aforesaid, shall make oath that he, she, or they, have just cause to suspect, it appearing to the said justice to be reasonable suspicion that the said working tools, or the said materials, or some part or parts thereof, to have been embezzled or kept back, sold, bought, or received, as aforesaid, may be secreted and lodged: and if, upon search, any of the said working tools, wool, yarn, chain, woof, or abb, or any cloth with the list, forrel, or other marks, taken off, cut, or picked out, shall be found, the said constable or constables, peace officer or peace officers, shall seize the same, and apprehend the person or persons in whose custody or possession the same shall be found, and bring him, her, or them, before the same, or some other of his Majesty's justices of the peace for the county, division, liberty, or place, aforesaid; and unless such person or persons, in whose custody the same shall be found, can give a good account how he, she, or they, came by the same, to the satisfaction of such justice or justices; then, and in such case, such person or persons shall be thereof convicted, and suffer such punishment as is herein-before directed to be inflicted on persons not returning the tools or materials as aforesaid; and all such tools, wool, yarn, chain, woof, or abb, or such cloth as aforesaid, so seized, and not accounted for as aforesaid, shall, upon such conviction, be delivered over to the churchwardens or overseers of the poor of the parish where the same were seized, to be by them sold; and the monies arising by such sale, after defraying the expences of such sale, shall be applied to the use of the poor of the said parish.

III. Provided always, That in case the person or persons accused shall request of such justice to appoint a reasonable time to produce the person or persons of, or from whom, he, she, or they, bought or received the same, or some one or more credible witness or witnesses, to prove the sale or delivery thereof; then, and in such case, it shall and may be lawful for the said justice, and he is hereby authorised and required to appoint such reasonable time as aforesaid, and to issue out a summons to the

or fraudulent-
ly buying or
receiving such
tools;

Justices may
issue warrants
to constables
to search.

Constables
may seize
tools, &c.
and bring the
persons, in
whose custody
they are
found, before
some justice.

Justice to al-
low a reason-
able time for
producing
parties.

con-

constable, or other peace officer, of the parish or place where such person or persons, or such witness or witnesses, shall respectively reside, requiring him, her, or them, to appear before such justice, at such time and place as shall be so appointed by such justice, in order to be examined and give evidence, on oath, of the several matters aforesaid; but such person or persons, at the time of making such request, shall enter into a recognizance, with or without surety or sureties, as such justice shall think proper, for his, her, or their appearance before him at the time so to be set, or, for want of such recognizance as aforesaid, shall be committed until the time that shall be so set or appointed by the said justice for the appearance of such party or parties, witness or witnesses: and if at such appointed time such person or persons shall be convicted of any of the offences aforesaid; then, and in such case, he, she, or they, shall suffer such punishment as is herein-before directed to be inflicted on persons not returning such tools or materials as aforesaid.

Justices, upon
information
made, may
cause houses
to be searched;

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any justice or justices, upon information made to him or them, on oath, by any credible person or persons, that there is just cause to suspect that any ends of yarn, wefts, thrumbs, short yarn, or other refuse of cloth, drugget, or of other woollen goods, or of goods mixed with wool, (flocks and pinions only excepted,) have been collected and received, and are lodged or concealed, in any dwelling-house, warehouse, outhouse, yard, or other place, by warrant under his hand and seal, to cause every such dwelling-house, warehouse, outhouse, yard, and other place, to be searched in the day-time; and if such ends of yarn, wefts, thrumbs, short yarn, or other refuse of cloth, drugget, or other woollen goods, or goods mixed with wool, (flocks and pinions only excepted,) above the quantity of three pounds, shall be found therein, to seize the same; and also to cause the person or persons in whose house, warehouse, outhouse, yard, or other place, the same shall be found, to be brought before him, or some other justice or justices of the peace for the same county, division, liberty, or place, and on proof being made thereof upon oath before such justice or justices, that such ends of yarn, wefts, thrumbs, short yarn, or other refuse of cloth, drugget, woollen goods, or goods mixed with wool, (flocks and pinions only excepted,) were found in the dwelling-house, warehouse, outhouse, yard, or other place, of such person or persons so brought before such justice or justices, such person or persons not exculpating, him, her, or themselves, to the satisfaction of such justice or justices, shall thereupon suffer such punishment as is herein-before directed to be inflicted on persons not returning the tools or materials as aforesaid, and the materials so found in the custody of such person or persons shall, by order of such justice or justices, be burnt, or otherwise destroyed.

and the same
to be seized,
and parties
brought be-
fore them.

How offend-
ers, on a se-

V. Provided always, That if, upon any information made upon oath before any justice or justices against any person or per-

persons offending against this act, it shall appear to such justice or justices, that such person or persons so informed against hath or have been already before convicted of any offence against this act; then, and in such case, such justice or justices shall not proceed to convict such offender or offenders, but shall and may commit him, her, or them, to the house of correction, there to remain until the next general quarter session of the peace to be held in and for the said county, division, liberty, or place, or until such offender or offenders shall have entered into a recognizance, with sufficient sureties, to appear at such sessions, and then and there to abide the order of the justices at such session; and such justice or justices shall and may bind over the informer to prosecute the said offender or offenders at the said sessions, and the justices at such sessions shall then and there proceed to enquire into and determine the same in a summary way; and if, upon such inquiry, such person or persons shall be found guilty of the said offence, the said justices shall, at their discretion, commit such offender or offenders to the house of correction for any time they think proper to direct, not exceeding three calendar months.

cond offence,
are to be pro-
ceeded against,

VI. Provided also, That if it shall appear to the justices, at their general quarter sessions, that such person or persons hath, or have, already been convicted, at some general quarter sessions, of any offence against this act; then, and in such case, the said justices shall, upon a like inquiry and conviction, in a summary way, direct the said offender or offenders to be committed to the house of correction, for any time not exceeding six calendar months, and also to be once publicly whipped at such time and place as such justices, at their said quarter sessions, shall direct.

VII. Provided always, and be it further enacted, That if any person or persons shall think him, her, or themselves aggrieved, by the judgement of any justice or justices before whom he, she, or they, shall have been convicted of any of the offences aforesaid, such person or persons may appeal; and the said justice or justices is and are hereby required to make known to such person or persons, at the time of such conviction, his and their right under this act to appeal to the next general quarter sessions of the peace to be held for the county, liberty, division, or place, where such conviction shall be made, the person or persons, at the time of such conviction, giving to such justice or justices notice in writing, signifying his, her, or their intention to appeal, and also entering into a recognizance at the time of such notice, with sufficient sureties conditioned to try such appeal, and to abide the judgement of, and pay such costs as shall be awarded by the justices at such sessions; and the justices at such sessions are hereby authorized and required, upon due proof made of such notice, and of such recognizance being entered into, to hear and determine the matter of the said appeal in a summary way, and award costs to the party or parties appealing or appealed against, if the said justices shall think

Appeal may
be made to
the next
quarter ses-
sion by per-
sons aggriev-
ed.

proper; but if upon such hearing the judgement of the justice or justices, before whom such appellant shall have been convicted as aforesaid shall be affirmed; then, and in such case, such appellant shall suffer such punishment, in consequence of such conviction, as is herein-before directed to be inflicted on persons not returning the tools or materials as aforesaid.

Form of conviction;

VIII. And be it further enacted, That the justice or justices, before whom any offender shall be convicted as aforesaid, shall cause the said conviction to be made out in the manner and form following; (that is to say,)

BE it remembered, That on the _____ day of _____ in the year of our Lord A. B. is convicted before me, (us) _____ of his Majesty's justices of the peace in and for the county, division, liberty, or place, (as the case may be,) of having (here specify the offence, and the time and place where the same was committed.) Given under my hand and seal, or our hands and seals, (as the case may be,) the day and year aforesaid.

to be wrote on parchment,

IX. And be it further enacted, That the justice or justices, before whom any offender shall be convicted as aforesaid, shall cause the said conviction to be fairly wrote over, upon parchment; and also to be returned to the next general quarter session of the peace to be held in and for the county, division, liberty, or place, where such conviction was made, to be filed by the clerk of the peace, and remain and be kept among the records of the said sessions.

and returned to the next quarter session.

No proceedings to be had without information.

X. Provided always, That no person or persons shall be proceeded against for any of the offences against this act, as aforesaid, unless information shall be made thereof, upon oath, before one or more justice or justices of the peace, for the county, division, liberty, or place, where such offence shall be committed, within three calendar months after such offence shall be committed; and no order made, touching or concerning any of the matters in this act contained, or any proceedings to be had touching the conviction or convictions of any offender or offenders against this act, shall be quashed for want of form, or be removed or removeable by *Certiorari*, or any other writ or process whatsoever, into any of his Majesty's courts of record at Westminster.

C A P. XXVI.

An act to allow the exportation of a limited quantity of wheat-meal or flour, oats, oatmeal, groats, barley, pease, beans, malt, and biscuit, to Hudson's Bay, in North America, for the benefit of the Hudson's Bay Company, and their servants residing there.

Preamble.

Act 13 Geo. 3.

WHERÉAS by an act, passed in the last session of parliament, intituled, An act to regulate the importation and exportation of corn; it was (amongst other things) enacted, That whenever the price of middling British wheat, at any port or place within

within the kingdom of Great Britain, from whence the same should be intended to be exported, should appear to be at or above the price of forty-four shillings per quarter, such price being ascertained in manner in the said act before mentioned, no person or persons whatsoever should, directly or indirectly, export, transport, carry, or convey, or cause or procure so to be, out of or from any such port or place, or load or lay on board, or cause or procure to be laden or laid on board, in any ship or other vessel, or boat, in order to be exported or carried out of any such port or place, any wheat, wheat-meal or flour, or malt, bread, biscuit, or starch made of wheat; and whenever the price of middling British pease, or beans, or of middling British barley, beer, or bigg, or of middling British oats, should respectively appear, at such port or place, to be at or above the several distinct prices in the said act particularly mentioned, no person or persons whatsoever should, directly or indirectly, export, transport, carry, or convey, or cause so to be, or load or lay on board, in any ship, or other vessel, or boat, in order to be exported or carried out of any such port or place, any pease or beans, ground or unground, or any bread or biscuit, made of pease or beans respectively, or any barley, beer, or bigg, respectively, or any oats, or oatmeal, or malt, bread, or biscuit, made of oats, under the several penalties and forfeitures in the said act particularly mentioned and inflicted: and whereas it is necessary at all times to export wheat-meal or flour, oats, oatmeal, groats, barley, pease, beans, malt, and biscuit, to Hudson's Bay, in North America, for the benefit of the Hudson's Bay Company, and their servants residing there; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, it shall and may be lawful to ship and export, from the port of London only, wheat-meal or flour, not exceeding, in the whole, two hundred quarters in any one year; and from the said port of London only, oats, oatmeal, groats, barley, pease, beans, malt, and biscuit, not exceeding together, in the whole, two hundred and sixty quarters in any one year, to Hudson's Bay, in North America, for the benefit of the Hudson's Bay Company, and their servants residing there; any thing in the said act to the contrary notwithstanding, so as the exporter do, before the shipping of such articles aforesaid to Hudson's Bay, in North America, enter into such or the like bond or bonds, as are, by the said recited act of the last session of parliament, directed to be entered into by the exporters from the port of London to the island of Saint Helena, of the particular species and quantity of corn, grain, or flour, allowed by the said act to be exported to that island.

II. Provided always, and be it enacted by the authority aforesaid, That when the exportation of the said commodities, or any of them, shall by the said act be permitted; then, and in such case, no such bond shall be required upon the exportation to Hudson's Bay, or such of them as shall be so permitted.

Not exceeding 200 quarters of wheat-meal or flour, in one year, from the port of London; and oats, oatmeal, groats, barley, pease, beans, malt, and biscuit, 260 quarters, may be exported to Hudson's Bay.

On exportation of the said commodities, no bond shall be required upon exportation.

Bounty when
to be allowed
on exporta-
tion to Hud-
son's Bay.

Continuance
of the act,

Anno decimo quarto GEORGE III. c. 27—32. [1774.

III. Provided also, and be it enacted, That when any bounty shall be allowed upon the exportation of the said commodities, or any of them, the same bounties shall be allowed upon the exportation thereof to *Hudson's Bay*, under the regulations, provisions, and restrictions, in the said act mentioned.

IV. And be it further enacted by the authority aforesaid, That this act shall be in force during such time as the said recited act, passed in the last session of parliament, shall have continuance.

C A P. XXVII.

An act for fixing and regulating a publick market and shambles for the sale of meat within the town and borough of Swansea, in the county of Glamorgan.

C A P. XXVIII.

An act to continue an act, made in the twenty-second year of the reign of his late majesty King George the Second, for laying a duty of two pennies Scots, or one-sixth part of a penny Sterling, upon every Scots pint of ale and beer, which shall be brewed for sale, brought into, tapped, or sold, within the town of Kinghorn, and liberties thereof.

C A P. XXIX.

An act for the better relief and employment of the poor within the parish of Saint Leonard, Shoreditch, in the county of Middlesex; and for building a workhouse, and for purchasing a piece of land for a burial ground, for the use of the said Parish.

C A P. XXX.

An act for providing a workhouse, and for better governing, regulating, and maintaining the poor, within the Old Artillery Ground, in the liberty of the Tower of London; and for paving, cleansing, lighting, and watching, the streets, lanes, and other open passages and places within the same; and for preventing obstructions and annoyances therein.

C A P. XXXI.

An act for repairing the highways and bridges in the county of Fife.

C A P. XXXII.

An act to enable the governor and company of the bank of Scotland to increase the capital stock of the said company.

Preamble.

WHEREAS by an act of the parliament of Scotland, made in the year one thousand six hundred and ninety-five, (intituled, An act for erecting a bank in Scotland;) a joint stock amounting to the sum of twelve hundred thousand pounds Scots money, was allotted to be raised by the company thereby established for carrying on and managing a publick bank, and certain persons, therein-mentioned, were authorised to appoint a book for receiving the subscriptions of such persons as were willing to become adventurers in the said joint stock; and by the said act it was declared, That one thousand pounds Scots should be the lowest, and twenty thousand pounds Scots the highest sum, which any one person should be allowed to subscribe; and, by the said act it was also declared, That all and every the persons, subscribing and paying to the said stock as aforesaid, should

should be one body politic and corporate, by the name of The Governor and Company of the Bank of Scotland, under which name they should have perpetual succession, and should have a common seal; and by the said act it was directed, that within three months after the aforesaid subscriptions should be ended, the persons in the said act named, or any two of them, should appoint a certain day, and make due intimation of the same, that such and so many of the adventurers, and none other, as should each of them have subscribed for one thousand pounds, or upwards, in the said book, of the joint stock, might elect and chuse, by a majority of votes which were to be given, one vote for every one thousand pounds share of the stock, a fit person of the subscribers who had subscribed for himself at least for eight thousand pounds, to be governor of the said bank; and another fit person of the subscribers, who should have subscribed for himself at least for six thousand pounds, to be deputy governor of the said bank; and also twenty-four other fit persons, who should have subscribed, each of them for himself, at least for three thousand pounds in the said joint stock, to be directors of the said bank; and certain other rules and regulations were thereby prescribed for the better managing and ordering the affairs of the said bank; and, in pursuance of the aforesaid act, the said bank was soon after established, and has ever since continued: and whereas the said bank has proved a national advantage, and it would greatly tend to the advancement of commerce, and be otherwise highly beneficial and expedient, that the capital stock of the said bank should be increased, so as such new or increased stock, together with the original stock of the said bank, shall not exceed in the whole the sum of twenty-four hundred thousand pounds Scots money, or two hundred thousand pounds sterling; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That within one month after the passing of this act, or as soon after as may be, the court of ordinary directors of the said bank shall appoint a book to be opened, and kept at the office of the said bank of Scotland, for receiving subscriptions for an additional capital or joint stock, to the extent of twelve hundred thousand pounds Scots, or one hundred thousand pounds sterling money, and no more; in which book, every person or persons possessed of a share or shares of the present capital stock of the said bank of Scotland, shall be intitled to subscribe for as much of the said new or additional stock, as he, she, or they, shall be possessed of, of the old or original stock, at the time of his, her, or their subscribing, and no more; or for a lesser number of shares thereof, if such person or persons shall so think proper.

A subscription to be opened for raising an additional capital of 100,000l. sterling by the present proprietors.

II. *And, in order that no person or persons possessed of stock in the said bank of Scotland may be deprived of the benefit hereby intended* Proprietors *may subscribe them, be it enacted by the authority aforesaid, That it shall be* by proxy. *in the power of every proprietor of the present capital stock of the said company, by a writing under his, her, or their hands, to authorise any other person, he, she, or they, shall think*

B b 3

proper,

proper, to subscribe for him, her, or them; and the subscription of the person so authorised shall be equally effectual, as if the proprietor, who gives such authority, had subscribed with his or her own hand.

Time limited for subscription.

How shares unsubsribed for are to be disposed of.

Gain on sales to be applied for the use of the bank. Proprietors number of shares ascertained.

If the shares are not all sold, a subscription to be again opened.

How proprietors of new stock are to receive their dividends.

No proprietor of new stock to draw a dividend till his call is paid in.

III. And be it further enacted, That the privilege and preference of subscribing to the new or additional stock hereby given to the proprietors of the present capital stock of the said bank, shall be limited to six months from the time of opening the subscription book above mentioned; and after the expiration of the said term, in case any share or shares of the said new or additional stock shall not have been subscribed for, the said subscription book shall be shut, and a general meeting of the proprietors called, upon such notice as a court of ordinary directors think fit; at which meeting the share or shares not subscribed for, shall be sold to the highest bidder, provided such bidder be a proprietor of the present capital stock of the said bank, or be authorised and empowered to purchase for a person who is a proprietor of the said capital stock, by a writing under his, her, or their hands: and provided also, That the shares so purchased, when added to the shares already held or subscribed for by the person or persons by whom, or for whose use and benefit the said new shares are purchased, do not, in the whole, exceed forty shares, each share being always one thousand pounds *Scots*, of the said capital stock.

IV. And be it further enacted, That in case any premium or gain be received upon or by the said sale or sales, the same shall be applied for the benefit of the governor and company of the bank of *Scotland*; and that no proprietor shall hold more than twenty shares of the old stock, or more than forty shares of the old and new together.

V. And be it further enacted, That if any share or shares of the new stock shall not be sold at the said general meeting of proprietors, then, and in that case, the subscription book shall be immediately again opened, and it shall be in the power of any person, who is not already a proprietor, to subscribe to the extent of forty shares; but it shall only be in the power of a person, who is already a proprietor, to subscribe for such a number of shares as, joined to those he, she, or they, already hold or stand bound for, do not exceed forty shares as aforesaid.

VI. And be it further enacted, That each and every proprietor of new stock shall receive dividends upon the money, he, she, or they, shall have paid in upon his, her, or their subscription, in the same proportion as the proprietors of old stock receive dividends upon their shares; that is to say, if a proprietor of new stock has paid in one-tenth of his subscription, he shall receive one-tenth of the sum which a proprietor of the same quantity of old stock receives as a dividend, and so on.

VII. And be it further enacted, That no subscriber of new stock shall be intitled to draw any part of a dividend, either upon his old or new stock, until he has paid his proportion of any call of stock that has been ordered by a majority of a general

ral meeting of proprietors; and each subscriber of new stock failing to pay his proportion of such call, shall be charged with the legal interest upon it until the same be paid, and shall have no vote at elections or general meetings while the same remains unpaid.

VIII. And it is hereby enacted, That a certificate under the hand of the accomptant of the said bank, certifying that a call or calls has not been paid by any of the persons who have subscribed themselves to the said new stock, or by any of the persons for whom any other person, impowered as aforesaid, has subscribed to the said stock, shall, when produced with this act to the court of session, be a sufficient warrant to the said court for issuing letters of horning against such person or persons for the call or calls unpaid by them, at the instance or suit of the treasurer of the said bank.

Court of session to issue letters of horning against persons failing to pay in their calls.

IX. And be it further enacted, That after the additional capital has been completed by subscriptions or purchases, as above directed, no proprietor shall be elected governor, unless he has, upon the original and new stock together, paid in the sum of sixteen thousand pounds *Scots*; nor deputy governor, unless he has, upon the original and new stock together, paid in twelve thousand pounds *Scots*; nor director, unless he has, upon the original and new stock together, paid in six thousand pounds *Scots*.

Qualification of governor, &c.

X. And be it further enacted, That after the said additional capital has been completed by subscriptions or purchases, as above directed, no proprietor shall be intitled to give his vote in the election of a governor, deputy governor, or directors, or in any question, in any general meeting, who is not possessed of two thousand pounds *Scots* of old or new stock, or old and new stock together, and who has not actually paid in the said two thousand pounds: and that every proprietor shall have a vote for each two thousand pounds which he has actually paid in: provided always, That no proprietor shall ever be intitled to more than twenty votes.

Qualification of voters.

XI. And it is hereby provided and declared, That six-tenths of the additional capital to be subscribed for or purchased, in manner above mentioned, shall be actually paid in by the subscribers or purchasers within the space of three years from and after the fifteenth day of *May*, one thousand seven hundred and seventy-four, and that by such proportions, and at such times, within the said three years, as shall be ordered by a majority of a general meeting or meetings of proprietors; and that the remaining four-tenths shall be paid in at such times, and by such proportions, as shall be ordered by a majority of a general meeting or meetings of proprietors: provided always, That nothing herein contained shall prevent a majority of a general meeting or meetings of proprietors to call for the whole, or any part of the additional capital, at such time or times, within the said period of three years, from and after the said fifteenth day of *May*, one thousand seven hundred and seventy-four, as to them shall seem proper.

After May 15, 1774, six-tenths of the additional capital subscribed for to be paid within three years.

Proprietors, after the capital is completed, may pay the whole of their subscriptions before May 15, 1775.

XII. And be it enacted by the authority aforesaid, That it shall be in the power of every such subscriber or subscribers, purchaser or purchasers, after the said capital has been completed, as above directed, to pay in the whole, but not a part of the sum, he, she, or they, has or have subscribed or purchased, although the same shall not have been called for by a general meeting, provided that such payment be made by him, her, or them, between and the fifteenth day of *May*, which will be in the year of our Lord one thousand seven hundred and seventy-five; and, upon such payment being so made, with the legal interest of the same, from the day of the yearly balancing of the bank's books, immediately preceding the payment, he, she, or they, making such payment, shall be intitled to a share of the profits accruing to the bank, and be subject to a share of the loss that may arise to it, from and after the aforesaid yearly balancing, immediately preceding such payment, in proportion to the share or shares so subscribed for and paid in by him, her, or them; and he, she, or they, shall thereupon be intitled to votes in the proportions before mentioned; and he shall be intitled to be elected governor, deputy governor, or director, if the sums paid in by him be of the extent above required to qualify him for these offices.

Manner of choosing governor, deputy governor, &c.

XIII. *And whereas the said act of the Scotch parliament, made in the year one thousand six hundred and ninety-five, has not been sufficiently explicit in laying down a particular mode of electing the governor, deputy governor, and directors, to be annually chosen; and it has been the practice for the proprietors to send signed lists to the directors of the persons they intended to vote for, and for the directors to report to a subsequent general meeting the persons chosen by the majority: and whereas, instead of choosing twenty-four directors, in terms of the aforesaid act, it has been the practice, in consequence of a resolution of a general meeting of the proprietors, held on the twelfth day of June, one thousand six hundred and ninety-six, to chuse twelve ordinary directors, and twelve extraordinary directors, which last only give their assistance on certain occasions; be it therefore enacted by the authority aforesaid, That in time to come, a general meeting of the proprietors shall be held annually, on the last Tuesday of March, for the purpose of choosing a governor, deputy governor, twelve ordinary, and twelve extraordinary directors; and that every proprietor, present at that general meeting, shall give in to the governor, or deputy governor, or such of the directors for the preceding year as are then present, a list, containing the names of the persons for whom he or she means to vote into these respective offices.*

How intimation of annual meetings is to be given for election of governor, &c.

XIV. And be it further enacted by the authority aforesaid, That regular intimation shall be made in the news-papers, called *The Edinburgh Evening Courant*, and *Caledonian Mercury*, of the day upon which the annual general meeting for the election of the governor, deputy governor, and directors, is to be held at least thirty days before such annual general meeting.

XV. *And, in order that those proprietors who cannot attend personally*

sonally may not be deprived of the right to vote in such election, be it also hereby further enacted, That all such proprietors shall be allowed to send lists of the persons whom they mean to vote into the said respective offices, which list, if holograph, of the proprietor or proprietors by whom they are sent, or signed by such proprietor or proprietors before two or more credible witnesses, and addressed to the governor, deputy governor, and directors of the bank of *Scotland*, shall be equally effectual as if the signers of them were personally present: and the lists being so given in, the governor, deputy governor, and directors, of the preceding year, or such of them as are present, shall immediately proceed to investigate the lists in presence of the meeting; and shall report, to that meeting, the names of the persons who appear to be elected, by the majority of votes into the said respective offices of governor, deputy governor, and directors, ordinary and extraordinary.

XVI. Provided always, That every person claiming a right to vote in such election, or to vote in any general meeting of the said bank, shall be obliged to, and do take the following oath; *videlicet*,

I A. B. *do swear, (or being one of the people called Quakers, do solemnly affirm,) That the capital stock of the body politick, called The Governor and Company of the Bank of Scotland, now standing in my name, belong to me, in my own right, and not in trust for any person or persons whatsoever.*

So help me G O D.

Which oath shall and may be administered by the governor, or deputy governor, for the preceding year, or (in the absence of the said governor, and deputy governor,) by any one of the directors then present; and that no person refusing to take such oath shall be capable to vote at such general meetings of the said company: and provided always, That all and every the proprietors, who cannot attend the general meeting for the election of governor, deputy governor, and directors, and shall, on that account, send signed lists, in manner above allowed, shall make oath before one of his Majesty's justices of the peace of *Great Britain or Ireland*, or the chief magistrate of any city or borough within *Great Britain or Ireland*, where such person resides for the time, that the shares of the capital stock of the body politick, called *The Governor and company of the Bank of Scotland*, standing then in his name, doth belong to him in his own right, and not in trust for any person or persons whatsoever; which affidavit, signed by such person, and certified under the hand of the justice of peace or chief magistrate before whom it is made, shall be transmitted to the governor, deputy governor, and directors, of the said bank, along with his or her signed list.

XVII. And it is hereby provided and declared, That the said act in act of the *Scots* parliament, in the year one thousand six hundred and

Proprietors may send lists of persons they intend for offices.

Persons claiming to vote at elections to take the following oath.

Proprietors, who cannot attend to make oath.

The act in 1695, to remain in force,

except so far
as is altered
by this act.

Anno decimo quarto GEORGE III. C. 33, 34. [1774]
and ninety-five, shall remain in full force as to every particular, excepting in so far as the same is altered by this act, and shall operate with regard to the new stock, in the same manner it does upon the old stock.

Public act.

XVIII. And, lastly, be it enacted by the authority aforesaid, That this act shall be deemed a publick act; and shall be judicially taken notice of by all judges, justices, and others whatsoever, without specially pleading the same.

C A P. XXXIII.

An act for dividing and inclosing the open fields, meadows, stinted common pastures, and other common and waste lands and grounds, in the parish of Tetney, in the county of Lincoln; and for draining and improving part of the said parish.

C A P. XXXIV.

An act for granting further time to the united company of merchants of England, trading to the East Indies, to expose to sale the singlo and bohea teas remaining in their warehouses unfold, on the fifth day of April, one thousand seven hundred and seventy-four; and for allowing the drawbacks on the exportation of such teas.

Preamble.

WHEREAS by several acts of parliament now in force, for granting, continuing, and better securing the duties payable ad valorem upon unrated East India goods, and for ascertaining the values thereof according to which such duties shall be paid, the importer or importers thereof are to give security, by bond, for payment of the said duties, according to the real values of the said goods, to be ascertained according to the respective acts of parliament in that behalf made (except coffee), as soon as the said goods shall be sold; and also for exposing the said goods to sale openly and fairly by way of auction, or by inch of candle, within the city of London, within the time of three years after the importation thereof: and whereas the quantity of singlo and bohea teas imported by the united company of merchants of England, trading to the East Indies, and which remained in their warehouses unfold on the fifth day of April, one thousand seven hundred and seventy four, is greater than can be expected to be sold by the said company, within the term of three years so limited for that purpose, to be computed from the respective times of the importation of such teas, and it is necessary that some further time should be granted to the said company to put their said teas up to sale: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That for such of the said singlo teas as are at present imported, and which remained unfold on the fifth day of April, one thousand seven hundred and seventy-four, the said united company may at any time within the space of five years, to be computed from the importation thereof, and for such of the said bohea teas as are at present imported, and which remained unfold on the said fifth day of April, one thousand seven hundred and

The E India
Company may
expose to sale
teas remain-
ing on hand on
April 5, 1774.

and seventy-four, the said united company may, at any time within the space of four years, to be computed from the importation thereof, expose such respective teas to sale; and, after such sale or sales, there shall be allowed the like discounts on payments of the respective duties on such teas, as if the same had been exposed to sale within the term of three years before mentioned, or any other time heretofore limited by law; any law, usage, or custom, to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, That for and during the said respective times of five years and four years, to be computed as aforesaid, there shall be drawn back and allowed for all the said teas as shall be exported from this kingdom as merchandise to *Ireland*, or any of the *British* colonies or plantations in *America*, to the exporter or exporters thereof, such and the same drawbacks or allowances, and under such rules, regulations, securities, penalties, and forfeitures, as such exporter or exporters would have been intitled to, in case such teas had been exported within the said term of three years; any law, usage, or custom, to the contrary notwithstanding.

III. Provided always, and be it further enacted by the authority aforesaid, That if the said united company of merchants of *England*, trading to the *East Indies*, shall, at any time neglect to keep the market supplied with a sufficient quantity of tea at reasonable prices to answer the consumption thereof in *Great Britain*, it shall and may be lawful to and for the commissioners of the treasury, or any two or more of them, or the lord high treasurer for the time being, to grant licences to any other person or persons, body or bodies politick or corporate, to import into *Great Britain*, from any parts of *Europe*, in such and the like manner, and subject to such duties, and under such restrictions and limitations, and upon such notices, and with such licences, as are, by any act or acts now in force, prescribed and directed with respect to tea to be imported from any parts of *Europe* by the said united company of merchants of *England* trading to the *East Indies*; any thing in this act contained to the contrary thereof in any wise notwithstanding.

C A P. XXXV.

An act to enable the commissioners for executing the office of treasurer of his Majesty's exchequer, or the lord high treasurer for the time being, to compound certain debts due to his Majesty, and affecting the estates heretofore of Charles Mason, Esquire, deceased, in the counties of Montgomery and Salop; and, upon payment of such composition, to discharge and exonerate the said estates therefrom.

Preamble. Lord high treasurer may compound with the earl of Powis, &c. for a debt due by Charles Mason to the crown. After payment of money so compounded for, earl of Powis, &c. released of Charles Mason's debts to the crown.

C A P. XXXVI.

An act to explain and amend an act, made in the thirteenth year of his present Majesty's reign, intituled, An act to explain, amend, and reduce into one act of parliament, the general laws now in being for regulating the turnpike roads in that part of Great Britain called England, and for other purposes; so far as the same relates to the continuing and granting an additional term of five years to acts made for amending turnpike roads.

Preamble.

Act 28 Geo. 2.

WHEREAS by an act, made in the twenty-eighth year of the reign of his majesty King George the Second, (intituled, An act to amend an act, made in the twenty-sixth year of the reign of his present Majesty, intituled, *An act for the amendment and preservation of the publick highways and turnpike roads of this kingdom; and for the more effectual execution of the laws relating thereto;*) it was, amongst other things, enacted, for the encouragement of broad wheels, that all carriages having the fellicies of the wheels of the breadth of nine inches, should pass through all turnpike gates without paying any toll, for three years: and whereas, in order to make recompence to the creditors upon the tolls of such gates, for any diminution of toll that might arise by such exemption, it was further enacted, That every act of parliament, made in that session, or theretofore, for repairing and amending turnpike roads, should be continued for five years, to be computed from the expiration of every such act, subject to the tolls, duties, penalties, forfeitures, remedies, powers, authorities, clauses, rules, directions, payments, and provisions, by such acts respectively made and enacted: and whereas by one other act, made in the seventh year of the reign of his present Majesty, (intituled, An act to explain, amend, and reduce into one act of parliament, the general laws now in being for regulating the turnpike roads of this kingdom, and for other purposes therein mentioned,) the said act of the twenty-eighth year of his late Majesty, except so much thereof as continued the acts then made for repairing and amending turnpike roads, subject to the tolls and duties by such acts respectively granted, was repealed: and whereas by one other act, made in the thirteenth year of the reign of his present Majesty, (intituled, An act to explain, amend, and reduce into one act of parliament, the general laws now in being for regulating the turnpike roads in that part of Great Britain called England; and for other purposes,) the said act of the seventh year of his present Majesty, except so much thereof as repealed the several acts therein mentioned, was also repealed: and whereas doubts have arisen, whether the said last-mentioned act, made in the thirteenth year of his present Majesty, by repealing the said act of the seventh year of his present Majesty, in the manner aforesaid, hath not virtually repealed that part of the act of the twenty-eighth year of his late Majesty, which continued the said turnpike acts for five years; in order therefore to obviate all such doubts, and to enforce the said provision for continuing the said turnpike acts, as contained in the said act of the twenty-eighth year of his late Majesty's reign; be it enacted by the King's most excellent majesty, by and with the

advice

advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the provision made by the said act of the twenty-eighth year of the reign of his late Majesty, for continuing the several acts, made for repairing and amending turnpike roads for five years, shall be and continue in full force, and be as effectual, to all intents and purposes, as the same could, might, or ought to have been, if the said acts of the seventh and thirteenth years of his present Majesty's reign, or either of them, had not been made; any thing in those acts, or in either of them, contained to the contrary notwithstanding.

Provisions of
act 28 Geo. 2.
for repairing
turnpike
roads for five
years, conti-
nued.

II. And be it further enacted, That all and every person and persons, who hath or have received, or shall hereafter receive, any tolls, or other duties, at any turnpike or toll-gate; or who hath acted, or shall hereafter act, in any other respect under the authority of, and in execution of any of the powers of any act or acts of parliament so continued, or intended to be continued, by the said recited act of the twenty-eighth year of his late Majesty, shall be, and is and are hereby indemnified for what he, she, or they, have so received or done, or for what he or they shall receive, or do by virtue thereof.

Persons who
have or shall
receive tolls
at any turn-
pike by the
aforesaid act
indemnified,
&c.

C A P. XXXVII.

An act for allowing further time for inrolment of deeds and wills made by papists, and for relief of protestant purchasers.

Preamble. Act 3 Geo. 1. Deeds and wills of papists, &c. since Sept. 29, 1717, to be good in law, if inrolled before Jan. 1, 1775. Not to extend to deeds whereof advantage shall be taken before March 2, 1774. Not to prejudice purchases made by protestants, &c. Nothing herein to extend to make good any grant, lease, &c. made by any papist, &c.

C A P. XXXVIII.

An act for paving, repairing, cleansing, and lighting, the streets and lanes in the city of Hereford, and suburbs thereof, and removing nuisances and annoyances therein, and for creating a fund towards the expences thereof, by inclosing divers waste grounds within the liberties of the said city, and for the better application of charity-money for setting the poor people of the said city to work, and to enable bodies corporate to alienate their houses and lands within the said city.

C A P. XXXIX.

An act for the impartial administration of justice in the cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults, in the province of the Massachusetts Bay, in New England.

WHEREAS in his Majesty's province of Massachusetts Bay, in New England, an attempt hath lately been made to throw off the authority of the parliament of Great Britain over the said province, and an actual and avowed resistance, by open force, to the execution of certain acts of parliament, hath been suffered to take place, uncontrouled and unpunished, in defiance of his Majesty's authority, and to the utter subversion of all lawful government: and whereas, in the present disordered state of the said province, it is of the utmost

Preamble:

utmost importance to the general welfare thereof, and to the re-establishment of lawful authority throughout the same, that neither the magistrates acting in support of the laws, nor any of his Majesty's subjects aiding and assisting them therein, or in the suppression of riots and tumults, raised in opposition to the execution of the laws and statutes of this realm, should be discouraged from the proper discharge of their duty, by an apprehension, that in case of their being questioned for any acts done therein, they may be liable to be brought to trial for the same before persons who do not acknowledge the validity of the laws, in the execution thereof, or the authority of the magistrate in the support of whom, such acts had been done: in order therefore to remove every such discouragement from the minds of his Majesty's subjects, and to induce them, upon all proper occasions, to exert themselves in support of the public peace of the province, and of the authority of the King and parliament of Great Britain over the same; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any inquisition or indictment shall be found, or if any appeal shall be sued or preferred against any person, for murder, or other capital offence, in the province of the *Masachusetts Bay*, and it shall appear, by information given upon oath to the governor, or, in his absence, to the lieutenant-governor of the said province, that the fact was committed by the person against whom such inquisition or indictment shall be found, or against whom such appeal shall be sued or preferred, as aforesaid, either in the execution of his duty as a magistrate, for the suppression of riots, or in the support of the laws of revenue, or in acting in his duty as an officer of revenue, or in acting under the direction and order of any magistrate, for the suppression of riots, or for the carrying into effect the laws of revenue, or in aiding and assisting in any of the cases aforesaid; and if it shall also appear, to the satisfaction of the said governor, or lieutenant-governor respectively, that an indifferent trial cannot be had within the said province, in that case, it shall and may be lawful for the governor, or lieutenant-governor, to direct, with the advice and consent of the council, that the inquisition, indictment, or appeal, shall be tried in some other of his Majesty's colonies, or in *Great Britain*; and for that purpose, to order the person against whom such inquisition or indictment shall be found, or against whom such appeal shall be sued or preferred, as aforesaid, to be sent, under sufficient custody, to the place appointed for his trial, or to admit such person to bail, taking a recognizance, (which the said governor, or, in his absence, the lieutenant-governor, is hereby authorised to take), from such person, with sufficient sureties, to be approved of by the said governor, or, in his absence, the lieutenant-governor, in such sums of money as the said governor, or, in his absence, the lieutenant-governor, shall deem reasonable, for the personal appearance of such person, if the trial shall be appointed to be had in any other colony, before the governor,

How indictments against magistrates, and others, for capital offences, in the execution of their duty, may be tried.

vernor, or lieutenant-governor, or commander in chief of such colony; and if the trial shall be appointed to be had in *Great Britain*, then before his Majesty's court of *King's Bench*, at a time to be mentioned in such recognizances; and the governor, or lieutenant-governor, or commander in chief of the colony where such trial shall be appointed to be had, or court of *King's Bench*, where the trial is appointed to be had in *Great Britain*, upon the appearance of such person, according to such recognizance, or in custody, shall either commit such person, or admit him to bail, until such trial; and which the said governor, or lieutenant-governor, or commander in chief, and court of *King's Bench*, are hereby authorized and empowered to do.

II. And, to prevent a failure of justice, from the want of evidence on the trial of any such inquisition, indictment or appeal, be it further enacted, That the governor, or, in his absence, the lieutenant-governor, shall, and he is hereby authorized and required, to bind in recognizances to his Majesty all such witnesses as the prosecutor or person against whom such inquisition or indictment shall be found, or appeal sued or preferred, shall desire to attend the trial of the said inquisition, indictment, or appeal, for their personal appearance, at the time and place of such trial, to give evidence: and the said governor, or in his absence, the lieutenant-governor, shall thereupon appoint a reasonable sum to be allowed for the expences of every such witness, and shall thereupon give to each witness a certificate, in writing, under his hand and seal, that such witness has entered into a recognizance to give evidence, and specifying the sum allowed for his expences; and the collector and collectors of the customs, or one of them, within the said province, upon the delivery of such certificate, are, and is hereby authorized and required, forthwith to pay to such witness the sum specified therein for his expences.

III. And be it further enacted by the authority aforesaid, That all prosecutors and witnesses, who shall be under recognizances to appear in any of his Majesty's colonies in *America*, or in *Great Britain*, in pursuance of this act, shall be free from all arrests and restraints, in any action or suit to be commenced against them during their going to such colony, or coming to *Great Britain*, and their necessary stay and abiding there, on occasion of such prosecution, and returning again to the said province of the *Massachusetts Bay*.

IV. And be it further enacted by the authority aforesaid, That all and every his Majesty's justices of the peace, and other justices and coroners, before whom any person shall be brought, charged with murder, or other capital crime, where it shall appear by proof, on oath, to such justices or coroners, that the fact was committed by such person, either in the execution of his duty as a magistrate, for the suppression of riots, or in the support of the laws of revenue, or in acting in his duty as an officer of revenue, or in acting under the direction and order of any magistrate, for the suppression of riots, or for the carrying into effect the laws of revenue, or in aiding and assisting in any

Governor to bind in recognizances to his Majesty all witnesses the prosecutor shall desire to attend the trial, &c.

And shall appoint a reasonable sum for the expences of every witness, which the collectors of the customs are to pay.

Witnesses to be free from all arrests during their journey to any colony, &c.

Persons brought before justices, &c. accused, of any capital crime in the execution of their duty, to be admitted to bail.

of the cases aforesaid, are hereby authorised and required to admit every such person so brought before him or them, as aforesaid, to bail; any law, custom, or usage, to the contrary thereof in any-wise notwithstanding.

Where persons are found to have committed crimes, and desire to be tried in another colony, justices to postpone their trial, &c.

V. And be it further enacted by the authority aforesaid, That where it shall be made appear to the judges or justices of any court, within the said province of *Massachusetts Bay*, by any person, against whom any inquisition or indictment shall be found, or appeal sued or preferred for murder, or other capital crime, that the fact was committed by such person, either in the execution of his duty as a magistrate, for the suppression of riots, or in the support of the laws of revenue, or in acting in his duty as an officer of revenue, or in acting under the direction and order of any magistrate, for the suppression of riots, or for the carrying into effect the laws of revenue, or in aiding and assisting in any of the cases aforesaid, and that he intends to make application to the governor, or lieutenant-governor of the said province, that such inquisition, indictment, or appeal, may be tried in some other of his Majesty's colonies, or in *Great Britain*, the said judges or justices are hereby authorised and required to adjourn or postpone the trial of such inquisition, indictment, or appeal, for a reasonable time, and admit the person to bail, in order that he may make application to the governor, or lieutenant-governor, for the purpose aforesaid.

If the governor directs the trial to be in any other colony, he is to transmit the inquisition, &c. to the commander in chief, who is immediately to deliver such inquisition, &c. to the chief justice, &c. who shall be empowered to proceed upon such inquisition, &c. If the governor directs the trial to be in *Great Britain*, he is to transmit the indictment, &c. to one of the secretaries of state, &c.

VI. And be it further enacted, That the governor, or, in his absence, the lieutenant-governor, if he shall direct the trial to be had in any other of his Majesty's colonies, shall transmit the inquisition, indictment, or appeal, together with recognizances of the witnesses, and other recognizances, under the seal of the province, to the governor, or lieutenant-governor, or commander in chief of such other colony, who shall immediately issue a commission of *Oyer and Terminer*, and deliver, or cause to be delivered, the said inquisition, indictment, or appeal, with the said recognizances to the chief justice, and such other persons as have usually been commissioners of *Oyer and Terminer*, justices of assize, or general gaol delivery there; who shall have power to proceed upon the said inquisition, indictment, or appeal, as if the same had been returned, found, or preferred before them; and the trial shall thereupon proceed in like manner, to all intents and purposes, as if the offence had been committed in such place: and in case the governor, or, in his absence, the lieutenant-governor, shall direct the trial to be had in *Great Britain*, he shall then transmit the inquisition, indictment, or appeal, together with the recognizances, of the witnesses, and other recognizances, under the seal of the province, to one of Majesty's principal secretaries of state, who shall deliver, or cause to be delivered, the same, to the master of the crown office, to be filed of record in the court of *King's Bench*, and the inquisition, indictment, or appeal, shall be tried and proceeded upon, in the next term, or at such other time as the court shall appoint, at the bar of the court of *King's Bench*, in like manner,

to all intents and purposes, as if the offence had been committed in the county of *Middlesex*, or in any other county of that part of *Great Britain* called *England*, where the court of *King's Bench* shall sit, or else before such commissioners, and in such county, in that part of *Great Britain* called *England*, as shall be assigned by the King's majesty's commission, in like manner and form, to all intents and purposes, as if such offence had been committed in the same county where such inquisition, indictment, or appeal, shall be so tried.

VII. And be it enacted by the authority aforesaid, That in case, on account of any error or defect in any indictment, which, in virtue or under the authority of this act, shall be transmitted to any other colony, or to *Great Britain*, the same shall be quashed, or judgement thereon arrested, or such indictment adjudged bad upon demurrer, it shall and may be lawful to prefer a new indictment or indictments against the person or persons accused in the said colony, to which such indictment, so quashed or adjudged bad, shall have been transmitted, or before the grand jury of any county in *Great Britain*, in case such former indictment shall have been transmitted to *Great Britain*, in the same manner as could be done in case the party accused should return to the place where the offence was committed; and the grand jury and petty jury of such other colony or county in *Great Britain* shall have power to find and proceed upon such indictment or indictments, in the same manner as if the offence, by such indictment or indictments charged, had been committed within the limits of the colony or county for which such juries shall respectively be impanelled to serve.

If any indictment transmitted be accounted bad, another indictment may be preferred,

Grand jury empowered to proceed on such indictment, &c.

VIII. And be it further enacted by the authority aforesaid, That this act, and every clause, provision, regulation, matter, and thing, herein contained, shall commence and take effect upon the first day of *June*, one thousand seven hundred and seventy-four; and be, and continue in force, for and during the term of three years.

Commencement and continuance of the act.

C A P. XL.

A act for divesting out of the crown the plantation and estate of Ulysses Fitzmaurice esquire, deceased, and for vesting the same in trustees, to be sold for payment of his debts, and for other purposes therein mentioned.

Preamble. Estates vested in trustees; but nevertheless upon trust; with power to sell the said estates. Application of monies. Saving clause in favour of John Fitzmaurice, an infant. How the surplus is to be divided, in case it affords a larger sum than that of 500l. to each of the distant relations. A negro woman and boy to be settled according to the instructions of the will. After payment of purchase money the estates to be free from all claims and trusts. Money arising by the sale of the premises to be deposited in the bank. Trustees not to be answerable for the acts of each other. Saving of rights to bodies politick, &c. Publick act.

C A P. XLI.

An act for further continuing so much of two acts, made in the sixth and thirteenth years of the reign of his present Majesty, as relates to the opening and establishing certain free ports in the island of Jamaica.

Preamble.

Act 6 Geo. 3.

WHEREAS an act of parliament was made in the sixth year of the reign of his present Majesty, (intituled, An act for opening and establishing certain ports in the islands of Jamaica and Dominica, for the more free importation and exportation of certain goods and merchandises; for granting certain duties to defray the expences of opening, maintaining, securing, and improving such ports; for ascertaining the duties to be paid upon the importation of goods from the said island of Dominica into this kingdom; and for securing the duties upon goods imported from the said island into any other British colony) which was to continue in force until the first day of September, one thousand seven hundred and seventy-three, and from thence to the end of the then next session of parliament; and which, by another act, made in the thirteenth year of his present Majesty's reign, was amended, and such parts thereof as relate to the said island of Jamaica were continued until the first day of November, one thousand seven hundred and seventy-four, and from thence to the end of the then next session of parliament: And whereas the further continuance of the said acts, so far as the same relate to the island of Jamaica, will be highly beneficial to the trade and manufactures of this kingdom; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said acts, and every thing therein contained, so far as the same relate to the said island of Jamaica, shall be, and the same are hereby further continued, until the first day of November, one thousand seven hundred and eighty, and from thence to the end of the then next session of parliament.

2nd act

13 Geo. 3.

continued, so far as they relate to Jamaica, until Nov. 1, 1780.

C A P. XLII.

An act to prohibit the importation of light silver coin of this realm, from foreign countries, into Great Britain or Ireland; and to restrain the tender thereof beyond a certain sum.

Preamble.

WHEREAS considerable quantities of old silver coin of this realm, or coin purporting to be such, greatly below the standard of the mint in weight, have been lately imported into this kingdom, and it is expedient that some provision should now be made to prevent a practice which may be carried on at this time, to the very great detriment of the publick; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That

That from and after the first day of *June*, one thousand seven hundred and seventy-four, all silver coin of this realm, or any money purporting to be the silver coin of this realm, which is not of the established standard of the mint in weight and fineness, shall be prohibited to be imported or brought into the kingdoms of *Great Britain* or *Ireland* from foreign countries; and if any silver coin being, or purporting to be, the coin of this realm, exceeding in amount the sum of five pounds, shall be found, by any officer of his Majesty's customs, on board any ship or vessel, in any port, harbour, haven, or creek, or in any boat, barge, or other vessel upon the water, within the said kingdoms, or in the custody of any person coming directly from the waterside, or upon the information of one or more person or persons in any house, shop, cellar, warehouse, room, or other place, on a search there made in such manner as in and by an act made in the fourteenth year of the reign of the late King *Charles the Second*, intituled, *An act for preventing frauds, and regulating abuses, in his Majesty's customs*, is mentioned and directed, if such search is made in *Great Britain*, or according to the manner directed by any act of parliament made in *Ireland*, relative to the searching for uncustomed and prohibited goods in that kingdom, if such search is made there, it shall and may be lawful for such officer to stop and put such coin in his Majesty's customhouse warehouse, in the port next to the place where such stop shall be made: and if it shall appear, upon examination there, to the collector, or other principal officer of the customs, of the said port or place, that such silver coin is of the established standard of the mint in weight and fineness, the same shall, upon demand, be forthwith delivered to the owner or proprietor thereof, without fee or reward; and such officer or officers, or any person or persons acting in his or their aid or assistance, shall not be liable to any action, suit, or prosecution, for searching, stopping, or detaining the same; but if such coin, or any part thereof, shall be less in weight than the established standard of the mint, that is to say, at and after the rate of sixty-two shillings to every pound troy, whether the same be in crowns, half-crowns, shillings, sixpences, or pieces of a lower denomination, or of less fineness than eleven ounces two-penny weights of fine silver, and eighteen-penny weights of alloy in the pound troy; the same, or such part thereof as shall be deficient either in weight or fineness, as aforesaid, shall be forfeited, and shall and may be seized by any officers of the customs, and prosecuted in any court of record in *Westminster* or *Dublin*, or in the court of exchequer at *Edinburgh*; or if such coin shall not amount in value to the sum of twenty pounds, in that case the same shall and may be prosecuted in a summary way, before any two of his Majesty's justices of the peace for the county, city, or place, where such seizure shall be made, at the election of the commissioners of his Majesty's customs in *Great Britain*, or the commissioners of revenue in *Ireland*, or any three or more of them respectively, in such and the like manner,

After June 1, 1774, all coin of this kingdom, or purporting to be, not of the established standard, prohibited to be brought into this kingdom; and all such coin found in ships, &c. on search, in terms of act 14 Car. 2. to be seized, and committed to the customhouse warehouse.

If such silver coin be the established standard weight and fineness, it is to be restored to the proprietor; but if deficient in weight or fineness, to be forfeited;

and prosecuted at Westminster, Dublin, or Edinburgh.

After condemnation, to be melted down; and one moiety go to his Majesty, and the other to the prosecutor.

No tender exceeding 25l. shall be allowed legal for more than its value.

Continuance of the act.

manner, and by the same rules and regulations, as any forfeiture incurred by any law of the revenue may be sued for and recovered, in the kingdom of *Great Britain* or *Ireland*, respectively: and after condemnation, the same shall be melted down, cut, or otherwise defaced, in such manner as the said commissioners of his Majesty's customs and revenue respectively shall direct; and one moiety of the produce arising by the sale thereof, after being so melted down, cut, or defaced, (first deducting the charges of prosecution and sale), shall be to the use of his Majesty, his heirs and successors, and the other moiety to such officer of the customs as shall sue and prosecute for the same.

II. And be it further enacted by the authority aforesaid, That no tender in the payment of money made in the silver coin of this realm of any sum exceeding the sum of twenty-five pounds, at any one time, shall be reputed in law, or allowed to be a legal tender within *Great Britain* or *Ireland*, for more than according to its value by weight, after the rate of five shillings, and two-pence for each ounce of silver; and no person to whom such tender shall be made shall be any ways bound thereby, or obliged to receive the same in payment, in any other manner than as aforesaid; any law, statute, or usage, to the contrary notwithstanding.

III. And be it further enacted by the authority aforesaid, That this act shall continue in force until the first day of *May*, one thousand seven hundred and seventy-six, and from thence to the end of the then next session of parliament.

C A P. XLIII.

An act for rebuilding the office of the six clerks of the King's court of chancery; and for erecting offices for the register and accountant general of the said court, for the better preserving the records, decrees, orders, and books of account, kept in such offices.

Preamble.

WHEREAS the preservation of the records of the high court of chancery, and also of the books in which the decrees and orders of the said court are entered, and of the reports made by the masters of the said court, in pursuance of such decrees and orders; and also of the books of account of the cash and effects belonging to the suitors of the said court, is of the utmost consequence to the said suitors, and to the public in general: And whereas the six clerks of the said court are seized, to them and their successors, of the office called *The Six Clerks Office*, and the several buildings belonging thereto, situate on the west side of *Chancery Lane*, within the liberty of the rolls, in the county of *Middlesex*; and the business of the said court, under their management, is transacted in their said office, and the records in their custody, consisting of bills, answers, depositions, and other pleadings and inrolments of decrees, orders, reports, and other proceedings, are deposited therein; and the said office is a very ancient building, and become very ruinous: And whereas the said books, wherein the said decrees and orders are entered, and the reports made in pursuance of such decrees and orders, and the books of account of the said cash and effects, are deposited and kept in the office of the register

gister of the said court, and various books of account of the cash and effects belonging to the suitors of the said court are also kept in the office of the accountant general of the said court: And whereas the rooms now used as offices for the said register and accountant general are, from their situation and condition, in great hazard of being destroyed by fire: And whereas a very considerable sum of money, belonging to the suitors of the said court, is now, and has been for many years, lying dead and unemployed in the bank of England, being money accumulated under the act of parliament of the twelfth year of his late majesty King George the First, intituled, An act for the relief of the suitors of the high court of chancery: And whereas by four several acts of parliament, passed in the twelfth year of the reign of his late majesty King George the Second, and in the fourth, fifth, and ninth years of the reign of his present Majesty, several sums of money, part of the money lying dead and unemployed, have been placed out on government or parliamentary securities, and specifick parts of the interest arising therefrom have been appropriated for augmenting the income of officers belonging to the said court; and by the said act, passed in the ninth year of the reign of his present Majesty, it is, amongst other things, enacted, That the surplus interest which had arisen, or which should or might arise, from the securities purchased, and to be purchased, in pursuance of the said several acts of parliament, together with the interest which should be produced from the securities to be purchased with such surplus interest, should, by any order or orders of the said court, to be made for that purpose, from time to time, be placed out on government securities; and that the interest or annual produce arising from the said securities should, from time to time, be received by the governor and company of the bank of England, and so much thereof as should arise from securities to be purchased with the surplus interest produced, and to be produced, from securities purchased in pursuance of the said acts of the twelfth year of the reign of his late majesty King George the Second, and of the fourth year of the reign of his present Majesty, and of the said act of the ninth year of the reign of his present Majesty, should be placed to the credit of an account to be raised in the books kept at the bank, of securities purchased with the surplus money placed to the account of interest arising from monies placed out in pursuance of an act of parliament, passed in the twelfth year of his late majesty King George the Second, and so much thereof as should arise from securities to be purchased with the surplus interest produced, and to be produced, from securities purchased in pursuance of the said act of the fifth year of the reign of his present Majesty, should be placed to the credit of an account to be raised in the said books kept in the bank, of securities purchased with the surplus money placed to the account of interest arising from monies placed out in pursuance of an act of parliament, passed in the fifth year of the reign of his present Majesty: And whereas there are now standing in the name of the said accountant general, under the title of securities purchased with the surplus money placed to the account of interest arising from monies placed out in pursuance of the said act of the twelfth year of his late Majesty, five thousand four hundred and fifty pounds, three per centum consolidat-

ed bank annuities, and in cash, fourteen pounds, three shillings, and four-pence; and there are also standing, in the name of the said accountant general, under the title of securities purchased, with the surplus money placed to the account of interest arising from monies placed out in pursuance of the said act of the fifth year of the reign of his present Majesty, four thousand seven hundred and fifty pounds, three per centum bank consolidated annuities, and in cash three shillings and ten-pence; which annuities and cash are unappropriated, and it will be no injury to the suitors of the said court if the same, and also the surplus interest which shall hereafter arise from the said annuities, and from the securities purchased pursuant to the several acts before mentioned, shall be employed towards raising a fund for rebuilding and erecting the said several offices, and in purchasing such ground as may be necessary for such purposes; and if a sum of money, not exceeding fifty thousand pounds, part of the money lying dead and unemployed as aforesaid, shall be placed out at interest on government or parliamentary securities, and the interest thereof, or so much as shall be necessary, applied for the same purpose; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That out of the cash belonging to the suitors of the said court of chancery, which now lies, or shall hereafter lie dead and unemployed in the bank of England, a sum not exceeding fifty thousand pounds shall and may, by virtue of any order or orders of the said court to be made for that purpose, from time to time be placed out in one entire sum, or in parcels, on such government or parliamentary securities, as in and by such orders shall be directed, to the intent that the interest and annual produce arising from the money so to be placed out may be applied for the purposes herein-after mentioned; and that the said court of chancery may, by order or orders of the said court, from time to time, change the security or securities on which the said monies shall be so placed out, as the said court shall think expedient.

50,000l. out of the cash belonging to suitors in chancery, now lying in the bank, may be placed on government securities;

Out of sums granted by former acts, the charge of rebuilding The Six Clerks Office, &c. is to be paid;

II. And be it further enacted, That out of the securities purchased with the surplus money placed to the account of interest arising from monies placed out in pursuance of the said act of the twelfth year of his late majesty King George the Second, and out of the interest produced, and to be produced, from such securities; and also out of the securities purchased with the surplus money placed to the account of interest arising from monies placed out in pursuance of the said act of the fifth year of the reign of his present Majesty; and out of the interest produced, and to be produced, from such securities, and out of the surplus interest which shall arise or be produced from securities purchased in pursuance of the said several acts of the twelfth year of the reign of his late Majesty, and of the fourth, fifth, and ninth years of the reign of his present Majesty; and out of the interest which shall arise or be produced from securities to be purchased in pursuance of this act, such sum or sums

of

of money as the lord high chancellor of *Great Britain*, or the lord keeper, or lords commissioners, for the custody of the great seal of *Great Britain* for the time being, shall, in his and their discretion deem necessary, be paid, by virtue of any order or orders of the said court, and be applied under the direction of the said court; in the first place, in paying and defraying the charges and expences attending the passing and obtaining this act, and then in rebuilding the said office, called *The Six Clerks Office*, with the offices belonging thereto, and in purchasing ground and houses for that purpose, if any shall be deemed necessary by the said court, and in providing a proper place for transacting the business of the said *Six Clerks Office*, during the time such office shall be rebuilding; and the sum of ten thousand pounds in erecting proper and convenient offices for the said register and accountant general of the said court, separate and detached from each other, and in purchasing such ground and houses as shall be necessary for those purposes, and for preserving the ancient books of entries of decrees and orders of the said court; and that the ground and houses, to be purchased for the purpose of rebuilding the said six clerks office, if any such shall be deemed necessary, be conveyed to, and vested in, the said six clerks; to hold to them, and their successors for ever, in trust, for the purposes in this act mentioned; and that the ground and houses to be purchased for the purpose of erecting the said offices for the said register, and accountant general be conveyed to and vested in *Thomas Anguish*, esquire, accountant general of the said court, to hold to him and his successors, for ever, and which are hereby vested in the said *Thomas Anguish*, and his successors, in the said office for the time being, for ever, in trust, to and for the purposes in this act mentioned, concerning the offices of the said register and accountant general, and for no other use or purpose whatsoever.

III. Provided always, That from such time as the lord high chancellor of *Great Britain*, lord keeper, or lords commissioners for the custody of the great seal for the time being, shall deem the purposes of this act to be fully satisfied, and shall, in testimony thereof, by an order of the said court, declare the same, and direct the accountant general of the said court not to issue any draft, and the governor and company of the bank of *England* not to issue any further sum or sums of money for any of the purposes aforesaid, the appropriation herein-before made of the surplus money placed to the account of interest arising from monies placed out in pursuance of the said act of the twelfth year of his late majesty King *George* the Second, and of the surplus money placed to the account of interest arising from monies placed out in pursuance of the said act of the fifth year of his present Majesty, and also of the interest of securities to be purchased pursuant to this act shall, from thenceforth, cease and be at an end.

IV. And be it further enacted, That the interest and annual produce arising from the securities to be purchased in pursuance of this act shall, from thenceforth, cease and be at an end.

received by
the governor
of the bank.

Anno decimo quarto GEORGI II. c. 44. [1774.

of this act shall, from time to time, be received by the governor and company of the bank of *England*, and placed to the credit of an account to be raised in the books kept there for the suitors of the said court, of interest arising from money placed out in pursuance of this act; and that the surplus interest which shall arise from such securities, after so much thereof as shall be necessary for the purposes aforesaid shall have been raised thereout, or out of the several other funds hereby provided for raising the same; and also the interest which shall be produced from the securities to be purchased with such surplus interest, as herein-after mentioned, shall or may, by any order or orders of the said court of chancery, to be made for that purpose, from time to time, be placed out on government or parliamentary securities; and the interest or annual produce arising from such securities shall from time to time, be received by the governor and company of the bank of *England*, and shall be placed to the credit of an account to be raised in the books kept at the bank for the suitors of the said court, of the securities purchased with the surplus money placed to the account of interest arising from monies placed out in pursuance of this act.

If any part of the money, so placed out, shall be wanted, the court may direct the same to be called in, for the use of the suitors.

V. Provided always, and be it further enacted and declared, That if, at any time hereafter, the whole, or any part of the said sum of fifty thousand pounds, hereby directed to be placed out as aforesaid, shall be wanted to answer any of the demands of the suitors of the said court of chancery; then, and in such case, the said court may and shall direct the same, or any part thereof, to be called in, or the securities in which the same shall be placed to be disposed of, in order that the suitors of the said court may, at all times, be paid their respective demands out of the common and general cash belonging to such suitors.

C A P. XLIV.

An act to amend an act, made in the twenty-second year of the reign of his late majesty King George the Second, intituled, An act for the more effectual preventing of frauds and abuses committed by persons employed in the manufacture of hats, and in the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair, and silk manufactures; and for preventing unlawful combinations of journeymen dyers and journeymen hot-pressers, and of all persons employed in the said several manufactures; and for the better payment of their wages.

Preamble.

Act 22 Geo. 2.

WHEREAS by an act of parliament made in the twenty-second year of the reign of his late majesty King George the second, intituled, An act for the more effectual preventing of frauds and abuses committed by persons employed in the manufacture of hats, and in the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair, and silk manufactures; and for preventing unlawful combinations of journeymen dyers and journeymen hot-pressers, and of all persons employed in the said several manufactures; and for the better payment of their wages;

wages; certain punishments, therein mentioned, are to be inflicted upon all persons who shall reel false or short yarn: And whereas it hath been found by experience, that the punishments directed to be inflicted by the said act for reeling false or short yarn are too severe, on which account offenders go frequently unpunished, and many honest industrious persons are deterred from spinning; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, so much of the said repealed, concerning the reeling short yarn. recited act as subjects any person or persons to any punishment whatsoever for reeling false or short yarn, shall be, and the same is hereby repealed.

II. And, in order to prevent persons reeling false or short yarn for Penalties inflicted by this act, for reeling short yarn, the future, be it further enacted, That, from and after the passing of this act, if any person or persons shall reel false or short yarn, and shall be thereof lawfully convicted by the oath of the owner of such yarn; or in case such owner is one of the people called *Quakers*, then upon the solemn affirmation of such owner, or of any other credible witness or witnesses, or by the confession of the person or persons charged with such offence, before any one or more justice or justices of the peace, of the county, riding, division, city, liberty, town, or place, where such offence shall be committed, or where the person or persons so charged shall reside or inhabit, (which oath such justice or justices is and are hereby impowered and required to administer), shall, for the first offence, forfeit and pay any sum not exceeding twenty shillings, nor less than five shillings, and for the second offence, any sum not exceeding five pounds, nor less than forty shillings; and for the third, and every other offence, it shall and may be lawful to and for such justice or justices of the peace to commit the person or persons so convicted to the house of correction, or other public prison of such county, riding, division, city, liberty, town, or place, there to be kept to hard labour for the space of one calendar month, and also to order the person or persons so convicted to be once publicly whipped at the nearest market town to where the offence was committed, and upon a market day; all which penalties and forfeitures shall go to the party aggrieved.

III. And be it further enacted, That the justice or justices, before whom any offender shall be convicted as aforesaid, shall cause the said conviction to be made out in the manner and form following; that is to say:

BE it remembered, That on the _____ day of _____ in the year of our Lord A. B. is convicted before me, or us, _____ of his Majesty's justices of the peace, for _____ [specifying the offence, and the time and place when and where the same was committed, and also specifying that it was _____ the _____

Form of conviction.

Anno decimo quarto GEORGII III. C. 44. [1774.
the first, second, or third offence against this act, as the case
shall be.]

*Given under my hand and seal, or our hands and seal, the
day and year aforesaid.*

Conviction to
be wrote on
parchment,
and returned
to the next
general quar-
ter session.

Which conviction the said justice or justices shall cause to be
fairly wrote on parchment, and returned to the next general
quarter session of the peace for the county, riding, division, city,
liberty, town, or place, where such conviction was made, to be
filed by the clerk of the peace, and remain and be kept among
the records of such county, riding, division, city, liberty, town,
or place.

Convictions
may be deli-
vered to per-
sons, on pay-
ing 1s. each
copy.

IV. Provided always, and be it further enacted by the au-
thority aforesaid, That it shall and may be lawful for any clerk
of the peace where any such conviction shall be filed, as afore-
said, and he is hereby required, upon application made to him
by any person or persons for that purpose, to cause a copy or
copies of any conviction or convictions, filed by him under the
directions of this act, to be forthwith delivered to such per-
son or persons, upon payment of one shilling for every such
copy.

Persons may
appeal to the
quarter ses-
sions;

V. Provided nevertheless, That if any person or persons, who
shall be convicted as aforesaid, shall be desirous of appealing to
the next general or quarter sessions of the peace to be holden
for the county, riding, city, or place, wherein the cause of com-
plaint shall arise, such person may, at the time of such con-
viction, enter into a sufficient recognizance conditioned to
try such appeal, abide the order of, and pay such costs as
shall be adjudged by the justices, at such sessions; and the
said justices at such sessions, shall and are hereby authorised
and required to take cognizance of such appeal, and may
affirm such conviction, and award such costs, as they the said
justices shall think proper: And in case the same are not paid,
according to the order of the said justices, such costs may be re-
covered by distress and sale of the goods and chattels of the per-
son who ought to pay the same, by warrant under the hand and
seal of any justice of the peace for the county, riding, division,
city, liberty, town, or place, where such person shall be or re-
side; and if no goods and chattels belonging to such person can
be found, sufficient to pay the costs, and the charges of mak-
ing such distress, the said justices may cause the person to be
committed to the common gaol of such county, riding, division,
city, liberty, town, or place, there to remain, without bail or
mainprize, for the space of three calendar months; and the de-
termination of the said sessions shall be final, binding, and con-
clusive, to all intents and purposes: And no order made concern-
ing any of the matters aforesaid, or any other proceedings to be
had touching the conviction or convictions of any offender against
this act, shall be quashed or vacated for want of form, or be re-
moved by *Certiorari*, or any other writ or process whatsoever,
into any of his Majesty's courts of record at *Westminster*.

entering into
recognizance.

If costs be not
paid, accord-
ing to order
of the justices,
they may be
levied by dis-
tress, &c.

and where
there are no
goods, the
persons to be
committed.

Proceedings
not to be
quashed for
want of form.

C A P. XLV.

An act for the better regulating the government of the province of the Massachuset's Bay, in New England.

WHEREAS by letters patent under the great seal of England, made in the third year of the reign of their late majesties King William and Queen Mary, for uniting, erecting, and incorporating, the severall colonies, territories, and tracts of land therein mentioned, into one real province, by the name of Their Majesties Province of the Massachuset's Bay, in New England; where-
Preamble, re-citing letters patent of 3 Gul. & Maria.
 by it was, amongst other things, ordained and established, That the governor of the said province should, from thenceforth, be appointed and commissioned by their Majesties, their heirs and successors: It was, however, granted and ordained, That, from the expiration of the term for and during which the eight and twenty persons named in the said letters patent were appointed to be the first counsellors or assistants to the governor of the said province for the time being, the afore-said number of eight and twenty counsellors or assistants should yearly, once in every year, for ever thereafter, be, by the general court or assembly, newly chosen: And whereas the said method of electing such counsellors or assistants, to be vested with the severall powers, authorities, and privileges, therein mentioned, although conformable to the practice theretofore used in such of the colonies thereby united, in which the appointment of the respective governors had been vested in the general courts or assemblies of the said colonies, hath, by repeated experience, been found to be extremely ill adapted to the plan of government established in the province of the Massachuset's Bay, by the said letters patent herein-before mentioned, and hath been so far from contributing to the attainment of the good ends and purposes thereby intended, and to the promoting of the internal welfare, peace, and good government, of the said province, or to the maintenance of the just subordination to, and conformity with, the laws of Great Britain, that the manner of exercising the powers, authorities, and privileges aforesaid, by the persons so annually elected, hath, for some time past, been such as had the most manifest tendency to obstruct, and, in great measure, defeat, the execution of the laws; to weaken the attachment of his Majesty's well-disposed subjects in the said province to his Majesty's government, and to encourage the ill-disposed among them to proceed even to acts of direct resistance to, and defiance of, his Majesty's authority: And it hath accordingly happened, that an open resistance to the execution of the laws hath actually taken place in the town of Boston, and the neighbourhood thereof, within the said province: And whereas it is, under these circumstances, become absolutely necessary, in order to the preservation of the peace and good order of the said province, the protection of his Majesty's well-disposed subjects therein resident, the continuance of the mutual benefits arising from the commerce and correspondence between this kingdom and the said province, and the maintaining of the just dependance of the said province upon the crown and parliament of Great Britain, that the said method of annually electing the counsellors or assistants of
 the

the said province should no longer be suffered to continue, but that the appointment of the said counsellors or assistants should henceforth be put upon the like footing as is established in such other of his Majesty's colonies or plantations in America, the governors whereof are appointed by his Majesty's commission, under the great seal of Great Britain: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *August*, one thousand seven hundred and seventy-four, so much of the charter, granted by their majesties King *William* and Queen *Mary* to the inhabitants of the said province of the *Massachusetts Bay*, in *New England*, and all and every clause, matter, and thing, therein contained, which relates to the time and manner of electing the assistants or counsellors for the said province, be revoked, and is hereby revoked and made void and of none effect; and that the offices of all counsellors and assistants, elected and appointed in pursuance thereof, shall from thenceforth cease and determine: And that, from and after the said first day of *August*, one thousand seven hundred and seventy-four, the council, or court of assistants of the said province for the time being, shall be composed of such of the inhabitants or proprietors of lands within the same as shall be thereunto nominated and appointed by his Majesty, his heirs and successors, from time to time, by warrant under his or their signet or sign manual, and with the advice of the privy council, agreeable to the practice now used in respect to the appointment of counsellors in such of his Majesty's other colonies in *America*, the governors whereof are appointed by commission under the great seal of *Great Britain*: provided, that the number of the said assistants or counsellors shall not, at any one time, exceed thirty-six, nor be less than twelve.

After Aug. 1.
1774, the said
letters patent
to be void.

Council how
to be com-
posed.

Powers of the
said counsellors.

II. And it is hereby further enacted, That the said assistants or counsellors, so to be appointed as aforesaid, shall hold their offices respectively, for and during the pleasure of his Majesty, his heirs or successors; and shall have and enjoy all the powers, privileges, and immunities, at present held, exercised, and enjoyed, by the assistants or counsellors of the said province, constituted and elected, from time to time, under the said charter, (except as herein-after excepted); and shall also, upon their admission into the said council, and before they enter upon the execution of their offices respectively, take the oaths, and make, repeat, and subscribe, the declarations required, as well by the said charter as by any law or laws of the said province now in force, to be taken by the assistants or counsellors who have been so elected and constituted as aforesaid.

The governor
to appoint and
remove judges,
commissioners
of Oyer and
Terminer, &c.

III. And be it further enacted by the authority aforesaid, That from and after the first day of *July*, one thousand seven hundred and seventy-four, it shall and may be lawful for his Majesty's governor for the time being of the said province, or, in his absence, for the lieutenant-governor, to nominate and appoint,

point, under the seal of the province, from time to time, and also to remove, without the consent of the council, all judges of the inferior courts of common pleas, commissioners of *Oyer and Terminer*, the attorney general, provosts, marshals, justices of the peace, and other officers to the council or courts of justice belonging; and that all judges of the inferior courts of common pleas, commissioners of *Oyer and Terminer*, the attorney general, provosts, marshals, justices, and other officers so appointed by the governor, or, in his absence, by the lieutenant-governor alone, shall and may have, hold, and exercise, their said offices, powers, and authorities, as fully and completely, to all intents and purposes, as any judges of the inferior courts of common pleas, commissioners of *Oyer and Terminer*, attorney general, provosts, marshals, or other officers, have or might have done heretofore under the said letters patent, in the third year of the reign of their late majesties King *William* and Queen *Mary*; any law, statute, or usage, to the contrary notwithstanding.

IV. Provided always, and be it enacted, That nothing here- Nothing here- in contained shall extend, or be construed to extend, to annul in contained to annul the commission granted before the said first day of the commission granted before July 1774. *July*, one thousand seven hundred and seventy-four, to any judges of the inferior courts of common pleas, commissioners of *Oyer and Terminer*, the attorney general, provosts, marshals, justices of the peace, or other officers; but that they may hold and exercise the same, as if this act had never been made, until the same shall be determined by death, removal by the governor, or other avoidance, as the case may happen.

V. And be it further enacted by the authority aforesaid, That, Governor to from and after the said first day of *July*, one thousand seven hundred and seventy-four, it shall and may be lawful for his appoint the- Majesty's governor, or, in his absence, for the lieutenant-go- riffs without the consent of council. vernor for the time being of the said province, from time to time, to nominate and appoint the sheriffs without the consent of the council, and to remove such sheriffs with such consent, and not otherwise.

VI. And be it further enacted by the authority aforesaid, That, On a vacancy upon every vacancy of the officers of chief justice and judges of the office of chief justice, the superior court of the said province, from and after the said &c. the go- first day of *July*, one thousand seven hundred and seventy-four, the governor for the time being, or, in his absence, the lieutenant-governor, without the consent of the council, shall have full power and authority to nominate and appoint the persons to succeed to the said offices, who shall hold their commissions during the pleasure of his Majesty, his heirs and successors; and that neither the chief justice or judges appointed before the said first day of *July*, one thousand seven hundred and seventy-four, nor those who shall hereafter be appointed pursuant to this act, shall be removed, unless by the order of his Majesty, his heirs or successors, under his or their sign manual.

VII. And whereas, by several acts of the general court, which have

No meeting
to be called
without the
consent of the
governor.

have been from time to time enacted and passed within the said province, the freeholders and inhabitants of the several townships, districts, and precincts, qualified, as is therein expressed, are authorized to assemble together, annually, or occasionally, upon notice given, in such manner as the said acts direct, for the choice of select men, constables, and other officers, and for the making and agreeing upon such necessary rules, orders, and bye-laws, for the directing, managing, and ordering, the prudential affairs of such townships, districts, and precincts, and for other purposes: and whereas a great abuse has been made of the power of calling such meetings, and the inhabitants have, contrary to the design of their institution, been misled to treat upon matters of the most general concern, and to pass many dangerous and unwarrantable resolves: for remedy whereof, be it enacted, That from and after the said first day of *August*, one thousand seven hundred and seventy-four, no meeting shall be called by the select men, or at the request of any number of freeholders of any township, district, or precinct, without the leave of the governor, or, in his absence, of the lieutenant-governor, in writing, expressing the special business of the said meeting, first had and obtained, except the annual meeting in the months of *March* or *May*, for the choice of select men, constables, and other officers, or except for the choice of persons to fill up the offices aforesaid, on the death or removal of any of the persons first elected to such offices, and also, except any meeting for the election of a representative or representatives in the general court; and that no other matter shall be treated of at such meetings, except the election of their aforesaid officers or representatives, nor at any other meeting, except the business expressed in the leave given by the governor, or, in his absence, by the lieutenant-governor.

Jurors to be
summoned by
the sheriffs.
only.

VIII. *And whereas the method at present used in the province of Massachusetts Bay, in America, of electing persons to serve on grand juries, and other juries, by the freeholders and inhabitants of the several towns, affords occasion for many evil practices, and tends to pervert the free and impartial administration of justice:* for remedy whereof, be it further enacted by the authority aforesaid, That, from and after the respective times appointed for the holding of the general sessions of the peace in the several counties within the said province, next after the month of *September*, one thousand seven hundred and seventy-four, the jurors to serve at the superior courts of judicature, courts of assize, general gaol delivery, general sessions of the peace, and inferior court of common pleas, in the several counties within the said province, shall not be elected, nominated, or appointed, by the freeholders and inhabitants of the several towns within the said respective counties, nor summoned or returned by the constables of the said towns; but that, from thenceforth, the jurors to serve at the superior courts of judicature, courts of assize, general gaol delivery, general sessions of the peace, and inferior court of common pleas within the said province, shall be summoned and returned by the sheriffs of the respective counties within the said province;

vince; and all writs of *Venire Facias*, or other process or warrants to be issued for the return of jurors to serve at the said courts, shall be directed to the sheriffs of the said counties respectively, any law, custom, or usage, to the contrary notwithstanding.

IX. Provided always, and be it further enacted by the authority aforesaid, That wherever the sheriff of any county shall happen to be a party, or interested or related to any party or person interested in any prosecution or suit depending in any of the said courts; that then, in such case, the writ of *Venire Facias*, or other process or warrant for the summoning and return of a jury, for the trial of such prosecution or suit, shall be directed to, and executed by, the coroner of such county; and in case such coroner shall be also a party, or interested in, or related to, any party or person interested in such prosecution or suit, then the *Venire Facias*, or other process or warrant, for the summoning and return of a jury for the trial of such prosecution or suit shall be directed to, and executed by, a proper and indifferent person, to be appointed for that purpose by the court wherein such prosecution or suit shall be depending.

X. And that all sheriffs may be the better informed of persons qualified to serve on juries at the superior courts of judicature, courts of assize, general gaol delivery, general sessions of the peace, and inferior court of common pleas, within the said province, be it further enacted by the authority aforesaid, That the constables of the respective towns, within the several counties of the said province, shall, at the general sessions of the peace to be holden for each county, next after the month of *September* in every year, upon the first day of the said sessions, return and deliver to the justices of the peace, in open court, a true list, in writing, of the names and places of abode of all persons within the respective towns for which they serve, or the districts thereof, qualified to serve upon juries, with their titles and additions, between the age of one and twenty years and the age of seventy years; which said justices, or any two of them, at the said sessions in the respective counties, shall cause to be delivered a duplicate of the aforesaid lists, by the clerk of the peace of every county, to the sheriffs, or their deputies, within ten days after such sessions; and cause each of the said lists to be fairly entered into a book, by the clerk of the peace, to be by him provided, and kept for that purpose amongst the records of the said court; and no sheriff shall impanel or return any person or persons to serve upon any grand jury, or petit jury, whatsoever, in any of the said courts that shall not be named or mentioned in such list: and, to prevent a failure of justice, through the neglect of constables to make such returns of persons qualified to serve on juries, as in and by this act is directed, the clerks of the peace of the said several counties are hereby required and commanded, twenty days at least next before the month of *September*, yearly, and every year, to issue forth precepts or warrants, under their respective hands and seals, to the respective constables of the several

When a sheriff shall be a party, writs for trial to be executed by the coroner.

Constables to deliver in lists to the justices of the names of persons within the respective towns;

which are to be entered in books by the clerks.

Penalty of 5l. if constables fail to deliver lists.

ral towns within the said respective counties, requiring them, and every of them, to make such return of persons qualified to serve upon juries as hereby respectively directed; and every constable failing at any time to make and deliver such return to the justices in open court, as aforesaid, shall forfeit and incur the penalty of five pounds sterling to his Majesty, and his successors: to be recovered by bill, plaint, or information, to be prosecuted in any of the courts aforesaid; and, in order that the constables may be the better enabled to make complete lists of all persons qualified to serve on juries, the constables of the several towns shall have free liberty, at all reasonable times, upon request by them made to any officer or officers, who shall have in his or their custody any book or account of rates or taxes on the freeholders or inhabitants within such respective towns, to inspect the same, and take from thence the names of such persons qualified to serve on juries, dwelling within the respective towns for which such lists are to be given in and returned pursuant to this act; and shall, in the month of *September*, yearly, and every year, upon two or more *Sundays*, fix upon the door of the church, chapel, and every other publick place of religious worship within their respective precincts, a true and exact list of all such persons intended to be returned to the said general sessions of the peace, as qualified to serve on juries, pursuant to the directions of this act; and leave at the same time a duplicate of such list with the town clerk of the said place, to be perused by the freeholders and inhabitants thereof, to the end that notice may be given of persons duly qualified who are omitted, or of persons inserted by mistake who ought to be omitted out of such lists; and it shall and may be lawful to and for the justices, at the general sessions of the peace to which the said lists shall be so returned, upon due proof made before them of any person or persons duly qualified to serve on juries being omitted in such lists, or of any person or persons being inserted therein who ought to have been omitted, to order his or their name or names to be inserted or struck out, as the case may require: and in case any constable shall wilfully omit, out of such list, any person or persons, whose name or names ought to be inserted, or shall wilfully insert any person or persons who ought to be omitted, every constable so offending, shall, for every person so omitted or inserted in such list, contrary to the true intent and meaning of this act, be fined by the said justices, in the said general sessions of the peace, in the sum of forty shillings sterling.

Penalty of 40s. if the constable wilfully deliver in wrong lists.

In default of lists by the constable, the sheriff to summon persons qualified.

XI. Provided always, and be it enacted by the authority aforesaid, That in case default shall at any time hereafter be made, by any constable or constables, to return lists of persons qualified to serve on juries within any of the said towns to the said court of general sessions of the peace; then, and in such case, it shall and may be lawful for the sheriff of the county, in which such default shall be made, to summon and return to the several courts aforesaid, or any of them, such and so many persons

sons dwelling in such towns, or the districts thereof, qualified to serve on juries, as he shall think fit to serve on juries at such respective courts; any thing herein contained to the contrary thereof in any-wise notwithstanding.

XII. And be it further enacted by the authority aforesaid, That every summons of any person, to serve upon any of the juries at the said courts, or any of them, shall be made by the sheriff, or other person, ten days at the least before the holding of every such court; and in case any jurors, so to be summoned, be absent from the usual place of his habitation at the time of such summons, notice of such summons shall be given, by leaving a note, in writing, under the hand of such sheriff, or person, containing the contents thereof, at the dwelling-house of such juror, with some person inhabiting in the same.

Every summons to be issued 10 days before the holding of the court, &c.

XIII. Provided always, and be it further enacted by the authority aforesaid, That in case a sufficient number of persons qualified to serve on juries shall not appear at the said courts, or any of them, to perform the service of grand or petit jurors; that then, and in such case, it shall be lawful for the said court to issue a writ or precept to the sheriff, requiring him to summon a sufficient number of other persons qualified to serve on juries, immediately to appear at such court, to fill up and compleat the number of jurors to serve at such court; and such persons are hereby required to appear and serve as jurors at the said courts accordingly.

In case a sufficient number of jurors shall not attend, the court to issue a precept for such jurors.

XIV. And be it further enacted by the authority aforesaid, That no person who shall serve as a juror, at any of the said courts, shall be liable to serve again as a juror at the same court, or any other of the courts aforesaid, for the space of three years then next following, except upon special juries.

No juror to serve twice in three years.

XV. And, in order that sheriffs may be informed of the persons who have served as jurors, it is hereby further enacted by the authority aforesaid, That every sheriff shall prepare and keep a book, or register, wherein the names of all such persons who have served as jurors, with their additions and places of abode, and the times when, and the courts in which they served, shall be alphabetically entered and registered; which books or registers shall, from time to time, be delivered over to the succeeding sheriff of the said county, within ten days after he shall enter upon his office; and every juror, who shall attend and serve at any of the courts aforesaid, may, at the expiration of the time of holding every such court, upon application to the sheriff, or his deputy, have a certificate immediately, *gratis*, from the sheriff, or his deputy, testifying such his attendance and service; which said certificate the said sheriff, or his deputy, is required to give to every such juror.

How sheriffs are to be informed of those who have served as jurors.

XVI. And be it further enacted by the authority aforesaid, That if, by reason of challenges, or otherwise, there shall not be a sufficient number of jurors for the trial of any prosecution for any misdemeanour, or any action depending in any of the said courts; then, and in such case, the jury shall be filled up *de*

How a sufficient number of jurors is to be constituted.

Talibus Circumstantibus, to be returned by the sheriff, unless he be a party, or interested or related to any party or person interested in such prosecution or action; and, in any of which cases, to be returned by the coroner, unless he be a party, or interested or related to any party or person interested in such prosecution or action; and, in any of these cases, to be returned by a proper and indifferent person, to be appointed by the court for that purpose.

Penalty should
persons not
appear to
serve on grand
or petit juries.

XVII. And be it further enacted by the authority aforesaid, That in case any person summoned to serve upon the grand or petit jury, at any of the courts aforesaid, or upon the jury in any prosecution, action, or suit, depending in any of the said courts, shall not appear and serve at the said courts, according to the said summons, (not having any reasonable excuse to be allowed by the judges or justices at such court,) he shall be fined by the judges or justices of such court in any sum not exceeding the sum of ten pounds, nor less than twenty shillings sterling.

Number of
jurors how to
be ascertained.

XVIII. And be it further enacted by the authority aforesaid, That every sheriff, or other officer, to whom the *Venire Facias*, or other process or warrant, for the trial of causes, or summoning of juries, shall be directed, shall, upon his return of every such writ, or other process or warrant, (unless in cases where a special jury shall be struck by order or rule of court, pursuant to this act,) annex a pannel to the said writ, or process, or warrant, containing the christian and surnames, additions, and places of abode, of a competent number of jurors, named in such lists, which number of jurors shall not be less than twenty-four, nor more than forty-eight, without direction of the judges or justices of such court or session, or one of them, who are hereby respectively impowered and required, if he or they see cause, by order, under his or their respective hand or hands, to direct a greater number; and then such number as shall be so directed shall be the number to be returned to serve on such jury.

Names of the
jury how to
be drawn.

XIX. And be it further enacted by the authority aforesaid, That for the trials of all actions or suits depending in any of the said courts, the name of each and every person who shall be summoned and returned as aforesaid, with his addition, and the place of his abode, shall be written in several and distinct pieces of parchment, or paper, being all as near as may be of equal size and bigness, and shall be delivered unto the officer to be appointed by the court for that purpose, by the sheriff, under sheriff, or some agent of his; and shall, by direction and care of such officer, be rolled up all as near as may be, in the same manner, and put together in a box or glass, to be provided for that purpose; and when any cause shall be brought on to be tried, some indifferent person, by direction of the court, may, and shall, in open court, draw out twelve of the said parchments or papers, one after another; and if any of the persons, whose names shall be so drawn, shall not appear, or shall be challenged, and such challenge allowed, then such person shall proceed
to

to draw other parchments or papers from the said box, till twelve indifferent persons shall be drawn; which twelve indifferent persons being sworn shall be the jury to try the said cause: and the names of the persons so drawn and sworn shall be kept apart by themselves in some other box or glass, to be kept for that purpose, till such jury shall have given in their verdict, and the same is recorded, or until such jury shall, by consent of the parties, or leave of the court, be discharged; and then the same names shall be rolled up again, and returned to the former box or glass, there to be kept, with the other names remaining at that time undrawn, and so *toties quoties*, as long as any cause remains then to be tried.

XX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the superior court of assize, and court of common pleas, upon motion made on behalf of his Majesty, his heirs or successors, or on the motion of any prosecutor or defendant, in any indictment or information for any misdemeanor depending, or to be brought or prosecuted in the said court, or on the motion of any plaintiff or plaintiffs, defendant or defendants, in any action, cause, or suit whatsoever, depending, or to be brought and carried on in the said court, and the said court is hereby authorised and required, upon motion as aforesaid, in any of the cases before mentioned, to order and appoint a jury to be struck for the trial of any issue joined in any of the said cases, and triable by a jury of twelve men, by such officer of the said court as the court shall appoint; and for that purpose the sheriff, or his deputy, shall attend such officer with the duplicate of the lists of persons qualified to serve on juries; and such officer shall thereupon take down, in writing, from the said duplicate, the names of forty-eight persons qualified to serve on juries, with their additions, and places of abode, a copy whereof shall forthwith be delivered to the prosecutors or plaintiffs, their attornies or agents, and another copy thereof to the defendants, their attornies or agents, in such prosecutions and causes; and the said officer of the court aforesaid shall, at a time to be fixed by him for that purpose, strike out the names of twelve of the said persons, at the nomination of the prosecutors or plaintiffs, their attornies or agents, and also the names of twelve others of the said persons, at the nomination of the said defendants in such prosecutions and suits, and the twenty-four remaining persons shall be struck and summoned, and returned to the said court as jurors, for the trial of such issues.

XXI. Provided always, That in case the prosecutors or plaintiffs, or defendants, their attornies or agents, shall neglect or refuse to attend the officer at the time fixed for striking the names of twenty-four persons as aforesaid, or nominate the persons to be struck out; then, and in such case, the said officer shall, and he is hereby required to strike out the names of such number of the said persons as such prosecutors or plaintiffs, or defendants, might have nominated to be struck out.

Persons applying for special juries to defray fees and expences.

XXII. And be it further enacted, That the person or party who shall apply for such special jury as aforesaid, shall not only bear and pay the fees for striking such jury, but shall also pay and discharge all the expences occasioned by the trial of the cause by such special jury, and shall not have any further or other allowance for the same, upon taxation of costs, than such person or party would be intitled unto in case the cause had been tried by a common jury, unless the judge, before whom the cause is tried, shall, immediately after the trial, certify, in open court, under his hand, upon the back of the record, that the same was a cause proper to be tried by a special jury.

Costs how to be defrayed in actions brought.

XXIII. And be it further enacted by the authority aforesaid, That, in all actions brought in any of the said courts, where it shall appear to the court in which such actions are depending, that it will be proper and necessary that the jurors who are to try the issues in any such actions, should have the view of the messuages, lands, or place in question, in order to their better understanding the evidence that will be given upon the trial of such issues; in every such case the respective courts in which such actions shall be depending may order the jury to the place in question, who then and there shall have the matters in question shewn them by two persons to be appointed by the court; and the special costs of all such views as allowed by the court, shall, before the trial, be paid by the party who moved for the view, (the adverse party not consenting thereto;) and shall, at the taxation of the bill of costs, have the same allowed him, upon his recovering judgement in such trial; and upon all views with the consent of parties, ordered by the court, the costs thereof, as allowed by the court, shall, before trial, be equally paid by the said parties; and in the taxation of the bill of costs, the party recovering judgement shall have the sum by him paid allowed to him; any law, usage, or custom, to the contrary notwithstanding.

Sheriffs may plead the general issue.

XXIV. And be it further enacted by the authority aforesaid, That if any action shall be brought against any sheriff, for what he shall do in execution, or by virtue of this act, he may plead the general issue, and give the special matter in evidence; and if a verdict shall be found for him, he shall recover treble costs.

C A P. XLVI.

An act to enable the commissioners for executing the office of treasurer of his Majesty's exchequer, or the lord high treasurer for the time being, to pay, out of the revenue of the crown, certain rewards for apprehending highwaymen, and other offenders in the county palatine of Durham.

Preamble.

Acts 4 Gul. & Mariae, 6 & 7
Gul. 5 Annæ; Anne,
and 3 Geo. 1.

WHEREAS by several acts, made in the fourth year of King William and Queen Mary, and in the sixth and seventh years of King William, and in the fifth year of Queen Anne, and in the third year of King George the first, certain rewards were directed to be paid upon the convictions of highwaymen, clip-

*clippers, coiners, or housebreakers, within England and Wales, in the manner by those acts directed: and whereas those acts do not extend to the county palatine of Durham, and the judges who have gone the northern circuit, have, for that reason, always refused to give certificates of the convictions of such offenders, in the said county palatine, without which certificates the apprehenders and convicts of such offenders, are not by the said acts intitled to such rewards: and whereas it is but just and reasonable that the inhabitants of the said county palatine, who contribute equally with others to the support of government in the payment of publick taxes, and other duties, should, equally with the inhabitants of other counties and cities, enjoy that additional security to their lives and property which arises from a proper encouragement being given to the apprehenders and convicts of the persons guilty of the offences in the said acts respectively mentioned: and whereas, for want of such encouragement, the said county palatine has already, in many instances, and will, in many other, become a place of resort and refuge for the most desperate and determined villains: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, all and every person and persons who shall apprehend and take any person or persons guilty of any of the offences in the said recited acts respectively mentioned within the said county palatine of *Durham*, and prosecute him, her, or them, so apprehended and taken, until he, she, or they, shall be convicted of such offence or offences shall be intitled to have and receive, and shall have and receive, from the sheriff of the said county palatine of *Durham*, within one month after such conviction, the same reward or rewards as is or are made payable by the said recited acts to the person or persons who shall apprehend, take, and prosecute, such offender or offenders in any other county within *England* or *Wales*, he or they tendering a certificate to the sheriff of the said county palatine of *Durham*, under the hand or hands of the judges or justices before whom such offender or offenders shall be convicted, (which certificate such judges or justices are hereby authorised and required to grant, certifying the conviction of such offender or offenders, and in what parish the offence or offences was or were committed; and also that such offender or offenders was or were apprehended and taken by the person or persons claiming such reward or rewards.*

II. And be it further enacted, That in case any dispute shall happen to arise between the persons who shall so have apprehended and taken any such offender or offenders touching their right and title to any such reward or rewards, then the said judges or justices so respectively certifying, as aforesaid, shall, in and by their said certificate, direct and appoint such reward or rewards to be paid to and amongst the parties claiming the same, in such share and proportions as to the said judges or justices shall seem just and reasonable.

Persons apprehending offenders, guilty of the offences in the acts above mentioned, within the county palatine of *Durham*, to receive the rewards made payable by the said acts.

In case any sheriff shall die before a month after conviction his successor to pay the reward;

and in case of default to forfeit double the sum,

with treble costs of suit.

Sheriff to be reimbursed by the commissioners of the treasury.

Expences of the act how to be paid.

Publick act.

III. And be it further enacted, That in case it shall happen that any such sheriff of the said county palatine of *Durham* shall die, or be removed before the expiration of one month after such conviction and demand made of such reward or rewards, (the same not having been paid as aforesaid,) then the next succeeding sheriff of the said county palatine of *Durham* shall pay the same within one month after such certificate shall be brought, and demand of payment made, as aforesaid; and if default of payment of such sum or sums of money shall happen to be made by any such sheriff of the said county palatine of *Durham*, such sheriff so making default, shall forfeit and pay to the person or persons to whom such money is due, as aforesaid, double the sum or sums of money he ought to have paid; to be recovered by him or them, or his or their executors or administrators in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint, or information, wherein but one imparlance, and no essoin, protection, or wager of law, shall be allowed, together with treble costs of suit by him or them expended in the recovery of the same.

IV. And be it further enacted, That the sheriff of the said county palatine of *Durham* who shall have paid any such reward or rewards in pursuance of this act, shall and may immediately apply for repayment of the same to the commissioners for executing the office of treasurer of his Majesty's exchequer or the lord high treasurer for the time being; and the said commissioners for executing the office of treasurer of his Majesty's exchequer, or the lord high treasurer for the time being, are and is hereby authorised and required, upon inspecting a due certificate of the conviction of such offender or offenders within the said county palatine of *Durham*, for which such reward or rewards shall have been ordered to be paid, as aforesaid, together with the receipts or acquittances of the parties intitled to receive the same, forthwith to repay to the sheriff of the said county palatine of *Durham*, out of the revenue of the crown, without fee or reward whatsoever, all such monies so disbursed and paid, as aforesaid, by such sheriff, other than and except the double of the sum or sums of money, and treble costs of suit, to which such sheriff will be liable in default of payment of the reward or rewards within the time before limited for such payment.

V. And be it further enacted, That all the charges and expences of obtaining this act shall be paid by the treasurer of the said county palatine of *Durham*, out of the first monies that shall come into his hands from the rates of the said county; and the sum so paid by the treasurer of the said county, in pursuance of this act, shall be allowed to the said treasurer by the justices of the said county before whom the accounts of such treasurer shall be passed.

VI. And be it further enacted, That this act shall be deemed, adjudged, and taken to be a publick act; and be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

C A P.

C A P. XLVII.

An act to indemnify such persons as have omitted to qualify themselves for offices and employments; and to indemnify justices of the peace, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for those purposes; and to indemnify members and officers, in cities, corporations, and borough towns, whose admissions have been omitted to be stamped according to law, or, having been stamped, have been lost or mislaid; and for allowing them time to provide admissions duly stamped; and to give further time to such persons as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and solicitors.

WHEREAS divers persons, who, on account of their offices, places, employments, or professions, or any other cause or occasion, ought to have taken and subscribed the oaths, or the assurance, respectively appointed to be by such persons taken and subscribed, in and by an act made in the first year of the reign of his late majesty King George the First, of glorious memory, (intituled, An act for the further security of his Majesty's person and government, and the succession of the crown in the heirs of the late princess *Sophia*, being protestants; and for extinguishing the hopes of the pretended prince of *Wales*, and his open and secret abettors;) or to have qualified themselves according to an act, made in the thirteenth year of the reign of King Charles the Second, (intituled, An act for the well-governing and regulating corporations;) or to have qualified themselves according to another act, made in the twenty-fifth year of the reign of King Charles the Second, (intituled, An act for preventing the dangers which may happen from popish recusants, by receiving the sacrament of the Lord's supper, according to the usage of the church of *England*, and making and subscribing the declaration against transubstantiation therein mentioned;) or according to another act, made in the thirtieth year of the reign of King Charles the Second, (intituled, An act for the more effectual preserving the King's person and government, by disabling papists from sitting in either house of parliament;) or according to another act, made in the eighth year of the reign of his late majesty King George the First, (intituled, An act for granting the people called *Quakers* such forms of affirmation or declaration as may remove the difficulties which many of them lie under;) or according to another act, made in the ninth year of the reign of his late majesty King George the Second, (intituled, An act for indemnifying persons who have omitted to qualify themselves for offices within the time limited by law, and for allowing further time for that purpose; and for amending so much of an act, passed in the second year of the reign of his present Majesty, as requires persons to qualify themselves for offices before the end of the next term, or quarter sessions; and also for enlarging the time limited by law for making and subscribing the declaration against transubstantiation; and for allowing a further time for enrolment of deeds and wills made by papists;

Preamble.

Persons who have omitted to take the oaths appointed by act
1 Geo. 1.

Act 13 Car. 2.

Act 25 Car. 2.

Act 30 Car. 2.

Act 8 Geo. 1.

Act 9 Geo. 2.

Act 18 Geo. 2.

and act 6 Geo.
3.not qualifying
before the
passing of this
act,or before Dec.
25, 1775,

papists; and for relief of protestant purchasers, devisees, and lessees;) or according to another act, made in the eighteenth year of the reign of his late majesty King George the Second, (intituled, An act to amend and render more effectual an act, passed in the fifth year of his present Majesty's reign, intituled, *An act for the further qualification of justices of the peace;*) or according to another act, made in the sixth year of the reign of his present Majesty, (intituled, An act for altering the oath of abjuration, and the assurance; and for amending so much of an act, made in the seventh year of her late majesty Queen Anne, intituled, *An act for the improvement of the union of the two kingdoms,* as, after the time therein limited, requires the delivery of certain lists and copies therein mentioned to persons indicted of high treason, or misprision of treason,) have, through ignorance of the law, absence, or some unavoidable accident, omitted to take and subscribe the said oaths and assurance, and make and subscribe the declaration required by law, or otherwise to qualify themselves as aforesaid, within such time, and in such manner, as in and by the said acts respectively, or by any other act of parliament in that behalf made, is required, whereby they have incurred, or may be in danger of incurring, divers penalties and disabilities: for quieting the minds of his Majesty's subjects, and for preventing any inconveniencies that might otherwise happen by means of such omissions; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every person or persons, who, at, or before, the passing of this act, hath or shall have omitted to take and subscribe the said oaths and declarations, or to receive the sacrament of the Lord's supper, or otherwise to qualify him, her, or themselves, within such time, and in such manner, as in and by the said acts, or any of them, or by any other act of parliament in that behalf made, is required; and who, after accepting any such office, place, or employment, or undertaken any profession or thing on account of which such qualification ought to have been had, and is required, before the passing of this act, hath or have taken and subscribed the said oaths, or made the declarations required by law, and also received the sacrament of the Lord's supper, according to the usage of the church of England, or who, on or before the twenty-fifth day of December, one thousand seven hundred and seventy-five, shall take and subscribe the said oaths, declarations, and assurance respectively, in such cases wherein by law the said oaths, declarations, and assurance, ought to have been taken or subscribed, in such manner and form, and at or in such place or places, as are appointed in and by the said act, made in the first year of the reign of his said late majesty King George the First, or by any other act or acts of parliament in that behalf made and provided, and also hath or have received, or shall, on or before the said twenty-fifth day of December, one thousand seven hundred and seventy five, receive the sacrament of the Lord's supper, according to the usage of the church of England, in such cases wherein the said sacrament ought to have been

been received, and hath or have made and subscribed, or shall, on or before the said twenty-fifth day of *December*, one thousand seven hundred and seventy-five, make and subscribe the said declaration against transubstantiation, and also hath or have made and subscribed, or shall, on or before the said twenty-fifth day of *December*, one thousand seven hundred and seventy-five, make and subscribe the said declaration, in the said statute made in the thirtieth year of King *Charles* the Second, in such cases wherein the said declarations ought to have been made and subscribed, and take and subscribe the oath directed by the said act made in the eighteenth year of the reign of his late majesty King *George* the Second, in such cases wherein the said oath ought to have been taken and subscribed, in such manner as by the said act is directed, shall be, and are hereby indemnified, freed, and discharged, from and against all penalties, forfeitures, incapacities, and disabilities incurred, or to be incurred, for or by reason of any neglect or omission previous to the passing of this act, of taking and subscribing the said oaths or assurance, or receiving the sacrament, or making or subscribing the said declarations, or taking or subscribing the said oath, according to the above-mentioned acts, or any of them, or any other act or acts; and such person or persons is and are, and shall be, fully and actually recapacitated and restored to the same state and condition as he, she, or they, were in before such neglect or omission, and shall be deemed and adjudged to have duly qualified him, her, or themselves, according to the above-mentioned acts, and every of them: and that all elections of, and acts done, or to be done, by any such person or persons, or by authority derived from him, her, or them, are and shall be of the same force and validity as the same, or any of them, would have been if such person or persons respectively had taken the said oath or assurance, and received the sacrament of the Lord's supper, and made and subscribed the said declarations, and taken and subscribed the said oath, according to the direction of the said acts, and every or any of them; and that the qualification of such person or persons, qualifying themselves in manner, and within the time appointed, by this act, shall be, to all intents and purposes, as effectual as if such person or persons had respectively taken the said oaths and assurance, and received the sacrament, and made and subscribed the said declaration, and taken and subscribed the said oath, within the time, and in the manner, appointed by the several acts before mentioned.

indemnified
against for-
feitures.

II. Provided always, That this act, or any thing herein contained, shall not extend, or be construed to extend, to indemnify any person against whom final judgment shall have been given, in any action of debt, bill, plaint, or information, in any of his Majesty's courts of record, for any penalty incurred by neglecting to qualify himself within the time limited by law.

Not to indemnify any person for any penalty incurred by neglecting to qualify himself.

III. And whereas the appointments of divers clerks of the peace, town clerks, and other publick officers, and the admissions of divers members, and officers of cities, corporations, and borough towns, or the entries of such admissions in the court books, rolls, or records of such cities,

Persons pro-
ducing ap-
pointments
and admissions
before Dec.
25, 1775,

shall be con-
firmed, and
qualified to
act as clerk,
officer, or
member of
corporations,
&c.

may enjoy all
offices into
which they
have been
elected;
and shall be
indemnified
from all pe-
nalties and
damages in-
curred by rea-
son of omis-
sions.

Not to extend
to restore per-
sons to any
office avoided
by judgment.

cities, corporations, and borough towns, which by several acts of parliament are directed and required to be stamped, may not have been provided, or the same not stamped, or may have been lost or mislaid; be it further enacted by the authority aforesaid, That, for the relief of such persons whose appointments and admissions, or the entries of whose admissions as aforesaid may not have been provided, or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such persons, on or before the twenty-fifth day of *December*, one thousand seven hundred and seventy-five, to provide, or cause to be provided, appointments and admissions, or entries of admissions, as aforesaid, duly stamped; or, in case where such appointments, admissions, or entries of admissions, as aforesaid, have been made or provided, but have not been duly stamped, to produce such appointments, admissions, or entries of admissions, as aforesaid, to the commissioners appointed to inspect and manage the revenues of the stamp-duties to be duly stamped; which such commissioners are hereby authorized, empowered, and required to duly stamp, on payment of the duties first payable, or to have been paid on such appointments, admissions, or entries of admissions, as aforesaid, without any fine or forfeiture thereon; and such persons so providing appointments, admissions, or entries of admissions, as aforesaid, duly stamped, or procuring the same to be duly stamped, in manner aforesaid, are and shall be hereby confirmed and qualified to act as clerk of the peace, town clerk, or other public officer, or member or members, officer or officers, of such cities, corporations, and borough towns respectively, to all intents and purposes, and shall and may hold and enjoy, and execute such offices, or any other office or offices, into which he or they hath or have been elected, notwithstanding his or their omission, or the omission of any of their predecessors, in such cities, corporations, or borough towns, as aforesaid; and shall be indemnified and discharged of and from all incapacities, disabilities, forfeitures, penalties, and damages, by reason of any such omission; and none of his or their acts shall be questioned or avoided by reason of the same.

IV. Provided always, That this act, or any thing herein contained, shall not extend, or be construed to extend, to restore or intitle any person or persons to any office or employment, benefice, matter, or thing whatsoever, already actually avoided by judgment of any of his Majesty's courts of record, or already legally filled up and enjoyed by any other person; but that such office, employment, benefice, matter, or thing, so avoided, or legally filled up and enjoyed, shall be and remain in and to the person or persons who is or are now, or shall, at the passing of this act, be legally intitled to the same, as if this act had never been made.

V. And whereas many persons have omitted to cause affidavits to be made, and afterwards to be filed in the proper office, of the actual execution of several contracts in writing entered into by them to serve as clerks to attorneys or solicitors, within the time in which the same ought

ought to have been done, and many infants, and others, may thereby incur certain disabilities; for preventing thereof, and relieving such persons; be it enacted by the authority aforesaid, That every person who, at the passing of this act, shall have neglected or omitted to cause any such affidavit or affidavits as aforesaid to be made and filed, and who, on or before the first day of *Michaelmas* term, one thousand seven hundred and seventy-four, shall cause one or more affidavit or affidavits to be made, and afterwards to be filed, in such manner as the same ought to have been made and filed in due time, shall be, and is hereby indemnified, freed, and discharged, from and against all penalties, forfeitures, incapacities, and disabilities, in or by any act or acts of parliament mentioned and incurred, or to be incurred, for or by reason of such neglect or omission; and every such affidavit and affidavits so to be made, and which shall be duly filed on or before the said first day of *Michaelmas* term, one thousand seven hundred and seventy-four, shall be as effectual, to all intents and purposes, as if the same had been made and filed within the respective times the same ought, by the laws now in being for that purpose, to have been made and filed.

Persons who shall cause affidavits to be filed before *Michaelmas*, 1774,

are indemnified, and discharged from penalties.

VI. *And, for the relief of any person or persons who through neglect or inadvertency have omitted to pay the several rates and duties, or any part thereof, upon monies given, paid, contracted, or agreed for, with or in relation to any clerks, apprentices, or servants, who have been put or placed to or with any master or mistress to learn any profession, trade, or employment, and to have such indentures, or other writings, which contain the covenants, articles, contracts, or agreements, relating to the service of such clerk, apprentice, or servant, stamped within the times by the several acts of parliament for those purposes respectively limited; or who have also in like manner omitted to insert and write, in words at length, in such indentures, or other writings, as aforesaid, the full sum or sums of money, or any part thereof received, or in any-wise directly or indirectly given, paid, or agreed, or contracted for, with, or in relation to every such clerk, apprentice, or servant, as aforesaid; be it enacted, That, upon payment of the rates and duties upon monies, or such part of such monies so neglected or omitted to be paid as aforesaid, on or before the first day of September, one thousand seven hundred and seventy-four, to such person or persons to whom the same ought to be paid, and tendering the said indentures, or other writings, to be stamped at the same time, or at any time on or before the twenty-ninth day of September, one thousand seven hundred and seventy-four, (of which timely notice is to be given in the *London Gazette*), the same indentures, or other writings, shall be good and available in law or equity, and may be given in evidence in any court whatsoever; and the clerks, apprentices, or servants, therein named, shall be capable of following and exercising their respective intended trade or employment, as fully as if the said rates and duties so omitted had been duly paid, and the full sum or sums received or agreed for*

Persons paying the rates and duties on indentures, &c. before Sept. 29, 1774, to be free of all penalties.

for as aforesaid had been inserted; and the persons who have incurred any penalties by the omissions aforesaid shall be acquitted and discharged of and from the said penalties (except such persons against whom any process has been already commenced); any thing in the said former acts to the contrary notwithstanding.

Persons prosecuted, and hereby meant to be indemnified, may plead the general issue.

VII. And be it further enacted, That in case any action, suit, bill of indictment, or information, shall, from and after the passing of this act, be brought, carried on, or prosecuted, against any person or persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any forfeiture, penalty, incapacity, or disability whatsoever, incurred, or to be incurred, by any such neglect or omission, such person or persons may plead the general issue, and upon their defence give this act, and the special matter, in evidence, upon any trial to be had thereupon.

C A P. XLVIII.

An act for regulating insurances upon lives, and for prohibiting all such insurances, except in cases where the persons insuring shall have an interest in the life or death of the persons insured.

Preamble.

WHEREAS it hath been found by experience, that the making insurances on lives, or other events, wherein the assured shall have no interest, hath introduced a mischievous kind of gaming: For remedy whereof, be it enacted by King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, no insurance shall be made by any person or persons, bodies politick or corporate, on the life or lives of any person or persons, or on any other event or events whatsoever, wherein the person or persons for whose use, benefit, or on whose account such policy or policies shall be made, shall have no interest, or by way of gaming or wagering; and that every assurance made, contrary to the true intent and meaning hereof, shall be nul and void, to all intents and purposes whatsoever.

No insurance to be made on the lives of persons having no interest, &c.

No policies on lives without inserting the persons names, &c.

How much may be recovered where the insured hath interest in lives.

Not to extend to insurances on ships, goods, &c.

II. And be it further enacted, That it shall not be lawful to make any policy or policies on the life or lives of any person or persons, or other event or events, without inserting in such policy or policies the person or persons name or names interested therein, or for whose use, benefit, or on whose account, such policy is so made or underwrote.

III. And be it further enacted, That in all cases where the insured hath interest in such life or lives, event or events, no greater sum shall be recovered or received from the insurer or insurers than the amount or value of the interest of the insured in such life or lives, or other event or events.

IV. Provided always, That nothing herein contained shall extend, or be construed to extend, to insurances *bona fide* made by

by any person or persons, on ships, goods, or merchandises; but every such insurance shall be as valid and effectual in the law, as if this act had not been made.

C A P. XLIX.

An act for regulating madhouses.

WHEREAS many great and dangerous abuses frequently arise Preamble.

from the present state of houses kept for the reception of lunatics, for want of regulations with respect to the persons keeping such houses, the admission of patients into them, and the visitation by proper persons of the said houses and patients: And whereas the law, as it now stands, is insufficient for preventing or discovering such abuses; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twentieth day After Nov. 20, of November, one thousand seven hundred and seventy-four, if 1774, if any any person or persons, in that part of Great Britain called Eng- person conceal land, the dominion of Wales, or town of Berwick upon Tweed, more than one shall, upon any pretence whatsoever, conceal, harbour, enter- lunatick with- out licence, he shall for- tain, or confine, in any house or place, kept for the reception of feit 500l. lunatics, more than one lunatick, at any one time, without having such licence for that purpose, as is herein-after directed, (except such lunatics as are committed by the lord high chancellor of Great Britain, or lord keeper, or commissioners for the custody of the great seal for the time being), every such person shall, for every such offence, forfeit and pay the sum of five hundred pounds.

II. And, in order that proper persons may be appointed for visit- Royal college ing such houses as shall be licensed and kept for the reception of luna- of physicians ticks, within the cities of London and Westminster, and within in London, on seven miles of the same, and within the county of Middlesex, be it the last day of further enacted by the authority aforesaid, That the president Sept. yearly, and fellows of the royal college of physicians in London for the may elect five time being, at a general meeting of the said college, to be held up- fellows for on the last day of September, or if that day falls upon Sunday, then granting li- the first day of October, in every year, shall elect five fellows of cences, &c. the said college for granting such licences as aforesaid, within the said cities of London and Westminster, and within seven miles of the same, and within the said county of Middlesex, who are de- according to the directions of this act; and the said five fellows, clared to be so elected, shall be, and are hereby declared to be, commission- commissioners ers for granting such licences within the limits aforesaid, for the for that pur- year then next ensuing; provided that two, at least, of the said pose. fellows, to be so elected, shall be persons who have not acted as commissioners for the preceding year; and that no person whatsoever shall be capable of being elected, or of acting as a commissioner, for more than three years successively.

III. And be it further enacted, That in case, at any time of if If a sufficient election, there shall not be found a sufficient number of fellows number of qualified or willing to act as commissioners, the said president fellows be not

qualified, &c.
a licenciate
may act, &c.

and fellows are hereby required, upon every such deficiency, to elect one or more from among the licenciates to supply the same.

In case of
death, &c.
president to
call a meeting
for the electi-
on of another
commissioner.

IV. And be it further enacted by the authority aforesaid, That as often as any of the commissioners, to be elected as aforesaid, shall die, or refuse to act, the said president is hereby required to call a meeting of the said fellows, within fourteen days next after such death, or refusal shall be known to the said president, in order to elect a commissioner in the room of every commissioner who shall so die, or refuse to act; and every commissioner, so to be elected, shall be, and is hereby vested with the same power and authority, in all respects whatsoever, as the commissioner in whose place he shall be chosen was vested with.

Every com-
missioner to
take the fol-
lowing oath.

V. And be it further enacted, That every person who shall be elected a commissioner to act within the cities of *London* and *Westminster*, and within seven miles of the same, and within the county of *Middlesex*, as aforesaid, shall, within ten days after such election, take the following oath; (that is to say),

I A. B. do swear, That I will faithfully and impartially execute all the trusts committed unto me, by virtue of an act of parliament, made in the fourteenth year of the reign of King George the Third, intituled, An act for regulating madhouses; and that I will not, directly or indirectly, give notice, or cause notice to be given to the keeper, or person having the care of any house or place licensed for the reception of lunatics, of the time of visitation of such house or place.

So help me GOD.

Commission-
ers not attend-
ing, or refus-
ing to take
the oath, for-
feit 5l.

Which oath it shall and may be lawful for the president of the college of physicians for the time being to administer to every such commissioner, so to be elected as aforesaid, upon the day he shall be so elected, or within ten days afterwards: And in case any person who shall be elected a commissioner as aforesaid, and who shall be summoned by the president of the said college to attend the said president to take the said oath, at such time as shall be mentioned in such summons, shall refuse or neglect to attend, or attending, shall refuse to take the said oath; he shall forfeit and pay the sum of five pounds, to be applied to the use of the said college.

Commission-
ers meetings
to be in the
college hall,
&c.

VI. And be it further enacted, by the authority aforesaid, That the said commissioners, so to be elected as aforesaid, or any three or more of them, shall meet in the hall, or some other convenient place in the said college, as often as they shall think fit, so as such meetings do not interfere with the meetings of the board of censors, nor with any other general meeting of the college of physicians; and that at all meetings of the said commissioners to be holden for the purposes of this act, the commissioner who is of the longest standing in the college shall be the chairman.

VII. And

VII. And be it further enacted, That the treasurer of the said college for the time being shall be the treasurer for the purposes of this act; and that the said commissioners, or any three or more of them, shall, at some meeting, to be holden within fourteen days next after they shall be elected as aforesaid, chuse and appoint a proper person to be their secretary for the year then ensuing; and such secretary shall be paid such salary or gratuity, for his trouble and attendance in the execution of his office, by the said treasurer, as the said commissioners, or any three or more of them, shall order and direct; and every such secretary shall, at the next meeting of the said commissioners after he shall be so appointed, take the following oath;

Treasurer of the college to be treasurer for the purposes of this act.

Secretary to be appointed,

who shall take the oath.

I A. B. do swear, That I will faithfully execute all such trusts as shall be committed to my charge, as secretary to the commissioners for executing an act of parliament, made in the fourteenth year of the reign of King George the Third, intituled, An act for regulating madhouses; and that I will keep secret all such matters as shall come to my knowledge, in the execution of my office, (except when required to divulge the same by legal authority.)

So help me GOD.

VIII. And be it further enacted, That the said commissioners, or any three or more of them, shall meet annually on the third Wednesday in the month of October, or within ten days afterwards, in order to grant licences to persons for keeping houses for the reception of lunaticks for one year, from the twentieth day of November then next ensuing, within the said cities of London and Westminster, and within seven miles of the same, and within the said county of Middlesex; but notice of the place, and of the day and hour of every meeting for granting such licences, shall always be published three several times in the London Gazette, before the day of meeting for granting any such licences, (which licences they are hereby required to grant to all persons who shall desire the same); and all licences to be granted by the said commissioners shall be duly stamped with a five shillings stamp, and shall be under the hands and seals of three or more of the said commissioners, for each of which licences there shall be paid to the said secretary, by the person applying to take out the same, the sums following; (that is to say), for each and every house wherein there shall be kept any number of lunaticks, not exceeding ten, the sum of ten pounds; and for each and every house wherein there shall be kept above ten, the sum of fifteen pounds, and no more, over and above what shall have been paid for the said stamp; which money shall be paid over by the said secretary to the said treasurer; and the further sum of six shillings and eight-pence, and no more, shall be paid on every such licence to the said secretary for his fee.

Time of the commissioners annual meeting for granting licences.

Licences to be stamped with a 5s. stamp.

Sums to be paid by persons taking out licences.

IX. Provided always, That no one licence shall authorise any person or persons to keep more houses than one for the reception of lunaticks; nor shall any licence, to be granted by virtue

No licence to authorise any person to keep more than one of house; and to

be in force only one year.

of this act, continue in force for any longer time than for one year.

No commissioner, while in office, to keep any house for lunatics &c. on penalty of 50l.

X. And be it further enacted by the authority aforesaid, That no commissioner, to be appointed as aforesaid, shall directly or indirectly, during the time he shall be a commissioner, be interested in keeping any house for the reception of lunatics, upon pain of forfeiting, for such offence the sum of fifty pounds.

President to summon commissioners at attendance for the first meeting.

XI. And be it further enacted, That the president of the said college of physicians for the time being shall, and is hereby required to cause summons to be sent to the said several commissioners, requiring them to attend at the first meeting after they shall be appointed commissioners, as aforesaid; all which summons shall be sent by the beadle, or such other person belonging to the said college, as the said president shall think proper; and shall be left at the respective houses, or usual places of abode, of each commissioner.

Two commissioners may call a meeting.

XII. Provided nevertheless, That in case any two commissioners shall, at any time or times, think proper to call a meeting of the said commissioners, such two commissioners may themselves cause the like notice to be given, and to be sent, in manner aforesaid, to the other commissioners, requiring their attendance at such time and place as shall be expressed in such notice.

Chairman to have the casting vote.

XIII. Provided always, That at all meetings of the said commissioners in the execution of this act, in case of an equality of votes, the chairman shall have the casting vote.

Commissioners to visit and inspect licensed houses.

XIV. And be it further enacted, That the said commissioners, or any three or more of them, either by themselves or with their secretary, as they shall think fit, shall, and they are hereby required, once at least in every year, and whenever required by the lord high chancellor, or lord keeper, or commissioners for the custody of the great seal, or by the lord chief justice of the court of king's bench, or by the lord chief justice of the court of common pleas for the time being, to visit and inspect all such houses as shall have been licenced by them, as aforesaid, between the hours of eight and five in the day-time; and may, in like manner, at any other time or times, within the hours aforesaid, visit and inspect all such houses as often as they, or any three or more of them, shall think necessary, and shall have, at all such times, liberty and power to continue in such house, and to examine the persons confined as lunatics therein, for such time as they shall think proper.

At such visitation the commissioners are to make minutes of the state of houses.

XV. And be it further enacted, That the said commissioners, or their secretary, shall, at every such visitation, make minutes in writing, of the state and condition of all such houses which they shall so visit, as to the care of the patients therein, and all such other particulars as they shall think deserve their notice, together with their observations thereupon; all which minutes shall, within one week next after such visitation, be by the said secretary entered, by way of report, in a register to be kept by him

him in the said college of physicians for that purpose, and the same shall be read to, and signed by, the said commissioners, or any three or more of them, at their next meeting; but no minute which tends to impeach the character of any house shall be so entered, unless such minute shall have been previously signed by three or more of the said commissioners, who shall have been present at such visitation; and in case the commissioners, upon their visitation, shall discover any thing that, in their opinion, shall deserve censure or animadversion, they shall, in that case, report the same; and such part of their report, and no more, shall be hung up in the censor's room of the college, to be perused and inspected by any person who shall apply for that purpose.

XVI. And be it further enacted, That in case the keeper of any house or place for the reception of lunaticks, within the cities of *London* or *Westminster*, or within seven miles distance thereof, or within the county of *Middlesex*, shall refuse all or any of the said commissioners, at the time of their visitation, admittance into such house or place as aforesaid, with or without their secretary, the master or keeper of such house or place shall, for such offence, forfeit his licence.

XVII. And be it further enacted, That the said commissioners, or any three or more of them, shall, from time to time, cause an exact account to be kept of all their proceedings; and all such accounts shall be entered in the same register as the minutes taken at their visitations are directed to be entered as aforesaid; and the said register shall be lodged in the college of physicians in a strong chest or box, which said chest or box shall be under the care of the beadle or house-keeper belonging to the said college, and shall be carefully locked up, from time to time, by the secretary to the said commissioners, and the key thereof kept by such secretary; which said register shall be deemed to belong to the said commissioners, and the key of the said chest or box shall be delivered over to every succeeding secretary, whenever the former secretary shall go out of office, and be kept by such succeeding secretary in manner aforesaid, for the use of the said commissioners.

XVIII. Provided always, That the president of the said college shall have liberty to inspect the said register, from time to time, as often as he shall think proper, provided such inspection be made at the college, and in the presence of the secretary to the said commissioners.

XIX. And be it further enacted, That if any person shall apply to one of the commissioners, in order to be informed whether any particular person or persons have been confined in any of the said licensed houses, and the said commissioners shall think it reasonable to permit such inquiry to be made, and shall sign an order, directed to the secretary for that purpose; he, the said secretary, is hereby required, upon the receipt of such order, to make search upon his papers: and if it shall appear, upon such search, that the person or persons so enquired after have

been confined in any of the said houses, the said secretary shall immediately acquaint the persons so applying with the name of the keeper in whose house, and also the names of those by whose direction and advice, such person or persons have been so confined.

One guinea
to be paid, on
each inspection,
to each
commissioner ;

and exact ac-
counts to be
kept by the
treasurer.

XX. And be it further enacted, That the said treasurer shall, and is hereby required to pay to each of the said commissioners for every time they shall, in obedience to this act, or any requisition therein contained, visit and inspect any such licensed house or place, as aforesaid, within the limits aforesaid, the sum of one guinea ; and shall also pay and discharge all such reasonable expences of the said commissioners as they shall, from time to time, incur in the execution of this act ; and the said treasurer is hereby required, from time to time, to keep an exact and true account of all monies by him received and disbursed in relation to this act, and shall enter such account in a book to be kept for that purpose ; which book shall be lodged in the box or chest where the register of the proceedings of the said commissioners is directed to be kept, as aforesaid ; which accounts shall be produced to the president of the said college, when required by the said president and elects, to be examined and settled by them ; and if, upon such examination, the said accounts shall appear to be just and reasonable, the same shall be allowed and signed by the said president, and at least four of the elects, and shall be by the said president reported, together with the other accounts, at the next general meeting of the said college ; and the said account, being so allowed, signed, and reported, shall be a full discharge to the said treasurer for so much money as shall in such account appear to have been disbursed by him, on account of the execution of this act.

Notice to be
given, within
three days af-
ter admission
of patients, to
the secretary
by the keeper.

XXI. And, in order that the said commissioners may know when any patient is received into any such licensed house or place, as aforesaid, be it further enacted by the authority aforesaid, That the keeper of every such licensed house or place within the said cities of *London* and *Westminster*, and within seven miles of the same, and within the said county of *Middlesex*, is hereby required, within the space of three days after any patient shall be received into any such licensed house or place, (except such pauper lunatics as shall happen to be sent there by parish officers), to cause notice thereof to be given to the secretary to the said commissioners, which notice shall contain the name of every such person received as a lunatic into such house or place, the name or names, and place or places of abode, of the person or persons by whose direction such lunatic was sent to such house or place, and also the name and place of abode of the physician, surgeon, or apothecary, by whose advice such direction was given ; all which notices shall be sent sealed up, directed, *To the Secretary to the Commissioners for licensing Houses for the Reception of Lunatics, to be left with the Beadle of the College of Physicians in London* ; all which notices the said beadle is hereby directed to receive, and to deliver to the said secretary, within two days after

Notice how to
be directed.

the same shall come to his hands; and the secretary is hereby required to file and preserve all such notices, and also to enter, or cause a copy or extract thereof to be entered, in the register, within two days after the receipt of such notices; and every keeper of any such licensed house or place, who shall admit, harbour, entertain, or confine, any person as a lunatick, without having an order, in writing, under the hand and seal of some physician, surgeon, or apothecary, that such person is proper to be received into such house or place as a lunatick, or shall receive any lunatick into any such house or place, having such order, and shall not give notice thereof to the secretary of the said commissioners, within the time, and in the manner aforesaid, shall forfeit and pay the sum of one hundred pounds.

Keepers admitting lunaticks without an order, forfeit 100l.

XXII. And, in order that such houses or places for the reception of lunaticks as are not situated within the limits aforesaid, may be put under some regulation, be it further enacted, That no house, which is not within the said city of London, or within seven miles of the same, or within the said county of Middlesex, shall be kept for the reception of more than one lunatick, unless such house or place shall be licensed by the justices of the peace, at some quarter sessions of the peace to be holden for the county or place wherein such house or place shall be situated.

No more than one lunatick to be kept in any house, except in such as are licensed.

XXIII. And be it further enacted, That the justices of the peace, at any general quarter sessions of the peace, to be holden for any such county or place, are hereby authorized and required to grant licences to such person and persons as shall apply for that purpose, such person or persons paying for each licence the sums following; (that is to say), for each and every house, wherein there shall be kept any number of lunaticks, not exceeding ten, the sum of ten pounds, and no more; and for each and every house, wherein there shall be kept above the number of ten lunaticks, the sum of fifteen pounds, and no more; and that no one licence shall authorize any person or persons to keep more houses than one for the reception of lunaticks, nor shall any such licence be granted for any longer term than for one year; and the said justices shall, at the time of granting such licences as aforesaid, nominate and appoint two justices of the peace for the said county, and also one physician, to visit and inspect all such houses as shall be licensed by such justices as aforesaid; and the said justices and physicians, so nominated and appointed, or any two of them, whereof the physician to be one, may, and are hereby authorized and empowered to visit, in the day-time, every house so licensed, within the county where such house or place shall be so licensed, as often as they shall think fit.

Justices to grant licences at general quarter sessions; and receive for every house keeping not exceeding 10 lunaticks, 10l.; and for above that number 15l.

XXIV. And be it further enacted, That the said justices and physician, so nominated, or such of them as shall visit any licensed house as aforesaid, may at every visitation, if they think necessary, make, or cause to be made, minutes, in writing, of the state and condition of every house which they shall visit, as to the care of the patients therein, and all such other particulars as

Justices, at visitations, to make minutes of the conditions of houses;

they shall think deserve their notice, together with their observations thereupon; all which minutes shall be entered, by way of report, in a register to be kept for that purpose, by the clerk of the peace for the county where such house or houses shall be licensed as aforesaid, a copy whereof shall, from time to time, be sent by the said clerk of the peace to the secretary to the said commissioners, to be by him inserted in a separate register; which register shall be kept in the same box, and in the same manner, as the register belonging to the said commissioners is herein-before directed to be kept; and the said clerk of the peace shall be paid such sum and sums of money for his trouble in the execution of this act as the said justices shall order and direct; and all money to be paid for such licences as shall be granted by the said justices of the peace, as aforesaid, shall be paid to the clerk of the peace, as aforesaid, who shall keep an account thereof, in a book or books to be kept for that purpose, and shall account for the same to the said justices, as often as he shall be required so to do; and all expences attending the execution of this act, (except within the cities of *London* and *Westminster*, and within seven miles thereof, and also except within the said county of *Middlesex*), shall be defrayed out of such money as aforesaid, in such manner as the said justices shall, from time to time, within their respective counties, order and direct.

Clerk of the peace to take the secretary's oath.

XXV. And be it further enacted, That at such general quarter session, when such justices and physician shall be appointed as aforesaid, the clerk of the peace shall take the like oath as is appointed by this act to be taken by the secretary of the commissioners.

Keepers refusing admittance to the justices and physician, to forfeit their licence.

XXVI. And be it further enacted, That in case the keeper of any house or place for the reception of lunaticks, not being within the said city of *London* or *Westminster*, or within seven miles of the same, or within the said county of *Middlesex*, shall, in the day time, refuse the said justices and physician, on such visitation, admittance, at any time or times, into such house or place as aforesaid, the master or keeper of such house or place shall, for such offence, forfeit his licence.

If a keeper do not give notice of the receipt of a lunatick, within 14 days, he shall forfeit 100l.

XXVII. And be it further enacted by the authority aforesaid, That the keeper of any house or place for the reception of lunaticks, not being within the said city of *London* or *Westminster*, or within seven miles of the same, or within the said county of *Middlesex*, shall, and is hereby required, to give such notice, as aforesaid, of the receipt of every such lunatick (except such pauper lunaticks as shall happen to be sent there by parish officers) to the secretary to the commissioners, at the college of physicians aforesaid, within the space of fourteen days from the time of such lunatick's being received into any such house or place; and every keeper of any such licensed house or place, who shall admit, harbour, entertain, or confine, any person as a lunatick, without having an order in writing, under the hand and seal of some physician, surgeon, or apothecary, that such person is proper to be received into such house or place as a lunatick,

natick, or shall receive any lunatick into any such house or place, having such order, and shall not give notice thereof to the secretary of the said commissioners, within the time, and in the manner aforesaid, shall forfeit and pay the sum of one hundred pounds.

XXVIII. And be it further enacted, That no such licence shall be granted as aforesaid, either by the said commissioners or justices of the peace, as aforesaid, unless, upon granting such licence, the person to whom such licence is granted shall enter into recognizance to the king's majesty, his heirs and successors, in the sum of one hundred pounds, with two sufficient sureties, each in the sum of fifty pounds, or one sufficient surety in the sum of one hundred pounds, under the usual conditions, for the good behaviour of such person during the time for which such licence shall be granted.

No licence to be granted to any person, without recognizance in tool. with sureties.

XXIX. And be it further enacted by the authority aforesaid, That the lord high chancellor of *Great Britain*, or lord keeper, or the commissioners for the custody of the great seal, or the lord chief justice of the court of king's bench, or the lord chief justice of the court of common pleas for the time being, may, at any time or times, by any written order, directed to the commissioners appointed by this act, or to the justices of the peace and physician, appointed visitors, at any general quarter session, require the said commissioners, or any three or more of them, or the said visitors, or any two of them, to visit or inspect any house or houses so licensed; and also to make a report to him or them, touching such matters as they shall, in such orders, be directed to inquire into, or as they shall think deserving his or their lordships notice; and the said lord high chancellor, or lord keeper, or commissioners for the custody of the great seal, or lord chief justice of the court of king's bench, or the lord chief justice of the court of common pleas, may also, at any time or times, by a like order, send for, and inspect the register or registers so to be kept as aforesaid; and may summon and examine all or any of the persons concerned in the execution of this act, as often as shall be thought necessary and proper; and in case they, or any of them, shall not obey all such orders as aforesaid, within two days after the receipt of the same, and shall not shew sufficient cause to the contrary, every person so offending, shall be deemed guilty of a contempt of the court of chancery, court of king's bench, or court of common pleas, as the case shall be.

The chancellor to order the commissioners, or justices, to inspect licensed houses, and to make report;

they may also send for, and inspect registers, and examine parties.

XXX. Provided always, and it is hereby declared, That nothing in this act contained shall extend, or be construed to extend, to any of the publick hospitals within this kingdom.

Not to extend to publick hospitals.

XXXI. And whereas it is not intended by this act to give the keepers of any house or houses, so to be licensed as aforesaid, or any other person concerned in confining any of his Majesty's subjects therein, any new justification from their being able to prove that the person so confined have been sent there by such direction and advice as are required by this act; be it therefore declared and enacted, That in

Proceedings to all be justified in

course of com- all proceedings that shall be had under his Majesty's writ of
mon law. *Habeas Corpus*, and in all indictments, informations, and ac-
tions, that shall be preferred and brought against any person or
persons, for confining or ill-treating any of his Majesty's sub-
jects, in any of the said houses, the parties complained of shall
be obliged to justify their proceedings, according to the course
of the common law, in the same manner as if this act had not
been made.

Penalties and
forfeitures
how to be re-
covered and
applied.

XXXII. And be it further enacted by the authority aforesaid,
That all penalties and forfeitures which shall be incurred with-
in the said cities of *London* or *Westminster*, or within seven miles
of the same, or within the said county of *Middlesex*, for offences
against this act, shall and may be sued for and recovered in any
of the courts of record at *Westminster*, by action of debt, bill,
plaint, or information, by the president of the said college for
the time being, in the name of the treasurer belonging to the
said college, at any time within six calendar months after the
offence committed; and all such penalties and forfeitures, when
recovered, shall, and are hereby directed to be paid to the said
treasurer; and shall be applied, (except such penalties and for-
feitures as are otherwise directed to be applied by this act), in
manner following; (that is to say), one moiety of all such pe-
nalties and forfeitures shall go to the informer, and the other
moiety towards defraying the expences attending the execution
of this act: and all penalties and forfeitures which shall be in-
curred for offences against this act, not within the said cities of
London or *Westminster*, or within seven miles of the same, or
within the said county of *Middlesex*, shall and may be sued for
and recovered by action of debt, bill, plaint, or information,
by and in the name of the clerk of the peace for the county
where any such offence shall be committed; and all such pe-
nalties and forfeitures, when recovered, shall be applied,
one moiety to the informer, and the other moiety for defraying
the expences attending the execution of this act, within such
county.

Limitation of
actions.

XXXIII. And be it further enacted, That if any action or
suit shall be commenced or brought against any person or per-
sons, for any thing done in pursuance of this act, the same shall
be commenced within six calendar months next after the fact
committed; and shall be laid or brought in the county, city, or
place, where the cause of action shall have arisen, and not else-
where; and the defendant or defendants, in every such action
or suit, shall and may, at his election, plead specially, or the
general issue, not guilty; and give this act, and the special mat-
ter, in evidence, at any trial to be had thereupon, and that the
same was done in pursuance and by the authority of this act:
and if the same shall appear to be so done, or that such action or
suit shall be brought in any other county, city, or place, or shall
not have been commenced within the time before limited for
bringing the same; that then the jury shall find a verdict for the
defendant or defendants; and, upon a verdict being so found,
or

General issue.

or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his, or her, or their action or suit, after the defendant or defendants shall have appeared; or if, upon demurrer, judgement shall be given against the plaintiff or plaintiffs, then the defendant or defendants shall recover treble costs, and have such remedy for recovering the same as any defendant or defendants hath or have in any other cases by law. Treble costs.

XXXIV. And be it further enacted, That this act shall be deemed and taken to be a publick act; and be judicially taken notice of as such by all judges, justices, and other persons whomsoever, without specially pleading the same. Publick act.

XXXV. And be further enacted by the authority aforesaid, That this act shall continue in force for the term of five years, and from thence to the end of the then next session of parliament. Continuance of this act.

C A P. L.

An act to enable certain persons, during the minority of Sir John Saint Aubyn baronet, to renew and grant leases of lands, and to sell other lands, all at Plymouth dock, in the county of Devon, for the use of his Majesty, his heirs and successors.

C A P. LI.

An act to confirm certain sales and purchases of estates, made by the governors of the free grammar school of King Edward the Sixth, in Macclesfield, in the county of Chester; to enable them to make other sales, purchases, and exchanges; and to improve and extend the benefits of the foundation of the said school.

C A P. LII.

An act to enable the inhabitants of Grosvenor Square, in the county of Middlesex, to pave, cleanse, light, water, and embellish the said square; and for other purposes therein mentioned.

Preamble. Inhabitants may elect trustees. First meeting of trustees. Trustees may appoint officers. Proceedings to be entered in a book. Power of new paving vested in trustees. Nothing in the act shall alter the inheritance of the garden. Materials vested in trustees. Trustees may contract for paving, &c. and sue for penalty in contracts. Trustees may compound for penalties. For preventing annoyances. To prevent accidents from leaving vaults open, or laying rubbish in the square. Trustees may alter the position of the pipes. Water-pipes may be repaired in certain cases. Trustees may repair pavements, &c. Proviso. Penalty on persons breaking fences round the garden, or any lamps, &c. Rates, &c. for the several purposes of the act. Directions how all empty houses, and houses let to ambassadors, shall be assessed. How premises within the limits of the act (which are rated jointly with other premises) may be separately rated. Commencement of the rates. Inhabitants to pay rates, and deduct them out of their rents. Lord Grosvenor to pay the balance of the annual rent, and afterwards the whole of the said rent to the treasurer to trustees, and shall be discharged from uses thereof. Trustees may borrow money by annuities, or at interest, if they think fit. Notice to be given previous to raising of money. Securities to be entered in books. Arrears of rates how to be recovered. Treasurer and collector to account. Money paid by the treasurer to be entered in a book. Expenses of this act how to be paid. Writings may be without stamps. Recovery and application of penalties. Distress not to be deemed unlawful for want of form. Proceedings not to be quashed for want of form, or be removed by *Certiorari*. Persons aggrieved may appeal to the quarter-sessions.

essions. Limitation of actions. General issue. Treble costs. Provisions of the act extended to parts of streets and mews. Trustees to make an allowance for paving the parish of Saint George, Hanover Square. After passing this act, the several acts relating to Grosvenor Square to be repealed. Inhabitants discharged from all other rates for paving, &c. the square. Publick act.

C A P. LIII.

An act for making a navigable cut or canal, from the port or harbour of Bude, in the hundred of Stratton, in the county of Cornwall, to the river Tamer, in the parish of Calstoke, in the said county.

C A P. LIV.

An act for the better providing suitable quarters for officers and soldiers in his Majesty's service in North America.

Preamble.

Persons authorised by law, in America, to provide quarters, where none are provided, for officers and soldiers.

Governor of the province to give orders for quarters for officers and soldiers.

Continuance of this act.

WHEREAS doubts have been entertained, whether troops can be quartered otherwise than in barracks, in case barracks have been provided sufficient for the quartering of all the officers and soldiers within any town, township, city, district, or place, within his Majesty's dominions in North America: And whereas it may frequently happen, from the situation of such barracks, that, if troops should be quartered therein, they would not be stationed where their presence may be necessary and required: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, in such cases, it shall and may be lawful for the persons who now are, or may be hereafter, authorised by law, in any of the provinces within his Majesty's dominions in *North America*, and they are hereby respectively authorised, impowered, and directed, on the requisition of the officer who, for the time being, has the command of his Majesty's forces in *North America*, to cause any officers or soldiers in his Majesty's service to be quartered and billeted in such manner as is now directed by law, where no barracks are provided by the colonies.

II. And be it further enacted by the authority aforesaid, That if it shall happen at any time that any officers or soldiers in his Majesty's service shall remain within any of the said colonies without quarters, for the space of twenty-four hours after such quarters shall have been demanded, it shall and may be lawful for the governor of the province to order and direct such and so many uninhabited houses, out-houses, barns, or other buildings, as he shall think necessary to be taken, (making a reasonable allowance for the same), and make fit for the reception of such officers and soldiers, and to put and quarter such officers and soldiers therein, for such time as he shall think proper.

III. And be it further enacted by the authority aforesaid, That this act, and every thing herein contained, shall continue and be in force, in all his Majesty's dominions in *North America*, until the twenty-fourth day of *March*, one thousand seven hundred and seventy-six.

C A P. LV.

An act for making commodious ways and passages within the parish of Saint Stephen, in the city of Bristol; and for enlarging the burying ground belonging to the said parish.

C A P. LVI.

An act for making and establishing publick quays or wharfs at Kingston upon Hull, for the better securing his Majesty's revenues of customs, and for the benefit of commerce in the port of Kingston upon Hull; for making a bason or dock, with reservoirs, sluices, roads, and other works, for the accommodation of vessels using the said port; and for appropriating certain lands belonging to his Majesty, and for applying certain sums of money out of his Majesty's customs at the said port for those purposes; and for establishing other necessary regulations within the town and port of Kingston upon Hull.

Preamble, act 14 Car. 2. recited. His Majesty impowered to appoint open quays at Hull. No person to ship goods for exportation; exception. No wharfs, &c. shall project above 15 feet from the present buildings. Proprietors of staiths on the west side of the river allowed to make wharfs. Drains emptying into the haven, to be secured at the end. Regulations in building the wharfs, &c. Proprietors of staiths to remove banks, &c. beyond 35 feet from the outermost parts of the staiths. Low-water mark to be determined by two engineers. In case the engineers disagree, a referee to be nominated. In case of the death or refusal to act of Mr. To-field, or Mr. Grundy, others to be chosen. Penalty on proprietors not removing banks, &c. beyond 35 feet distance of the staiths. Penalty 50l. on commissioners neglecting to remove banks, &c. Qualification of trustees. Penalty 50l. on trustees acting, not being duly qualified. Corporation deemed proprietors of certain staiths on the west side of the river. Owners not conforming to rules, to lose their privileges. Company impowered within seven years to make a bason, with reservoirs, &c. If the company do not provide quays within the limited time, the king to appoint them by commission. Company's names. Crown lands granted for the above purpose. Occupiers of the other buildings to quit; and the sheriff to deliver possession on refusal. No buildings to be erected thereon till the bason, &c. be completed. If works are not completed in a certain time, the land to revert to the crown. Company to repair, &c. the premises. Company to make a road from Beverley Gate to North Bridge. Materials for roads and paving the quays, how to be got. Justices to determine all differences. Ground, bason, &c. vested in the company. First meeting of the company. Proviso. Clerk and treasurer, after chosen, to give security. The sum of 15,000l. granted out of the revenues of customs, to be applied in aid of the works. Company impowered to raise money amongst themselves. Subscribers to have a vote for every share, by themselves or proxies. If a sufficient number of the company do not attend, the meeting to adjourn. Additional sum of 20,000l. to be raised, if necessary. Rates may be assigned for payment. Form of assignment. Assignment to be entered in a book. Form of transfer. The interest of the money borrowed to be paid half yearly. The mayor and burgesses, &c. authorised to purchase shares in the works made by this act. The charter house to hold two shares, and the corporations 10 shares each. Company may make calls; but at four months distance at least. Persons omitting to pay their proportions to forfeit 5l. *per cent.* and if for two months, the shares to be forfeited. No share to be deemed forfeited till after six months notice given to the person concerned. When subscribers die before their shares be completed, executors may complete the payment. How shares may be disposed of by the proprietors. Form of the sale and transfer. After Dec. 31, 1774. company may take rates for shipping. Ships of war, &c. excepted. The rates. Rates vested in the company. Ships drove in by stress of weather, or

or enemy, &c. not to be liable to rates. Coasting vessels not to pay, unless they come into the basin. Wharfage rates. How vessels shall be measured. Persons authorised to go on board to measure, and collect the duties. Penalty on persons refusing admeasurement, or eluding payment of duties. Customer not to discharge any vessel till duties are paid. Company may lessen the duties and raise them again. Part of the tonnage rates to be repaid the masters of ships. Collectors and treasurers to keep fair accounts, and produce their vouchers, on penalty of 20*l*. Company's annual meeting. Treasurer to draw out a general annual account; which shall be printed and delivered to the subscribers, on penalty of 10*l*. Commissioners appointed. New commissioners to be chosen. Dock master, &c. incapable of acting as a member, whilst he remains in office. Time and place of commissioners meeting. Commissioners to make contracts. Commissioners may compound penalties of contracts. Commissioners to appoint watchmen, &c. Commissioners to make bye-laws. Bye-laws subject to the controul of the company. Company may inspect the bye-laws, and alter or annul them. Lamps to be lighted. Penalty on stealing or breaking lamps. Persons accidentally breaking of lamps, to make satisfaction on demand. Trinity-House to appoint a dock-master. Masters, &c. refusing to moor or remove vessels forfeit 40*s*. and if any master, &c. obstruct the mooring or removing of vessels, he forfeits 10*l*. Mooring of ships or vessels within the haven to be regulated. Mooring of ships or vessels opposite to the jettee to be regulated. The guild may remove the dock and haven master. If the guild neglect to hear complaint for 14 days, persons aggrieved may appeal to the commissioners. 100*l*. *per annum* to be paid to the Trinity house for salaries to the dock and haven master and assistants. Annual rent of 5*s*. for each wharf, made payable to the mayor and burgesses. Remedy for recovery of rent. Tenants for life, &c. may borrow money. Mortgages may be assigned. Tenants for years to pay interest for the money expended by their landlords. Commissioners may purchase land for widening the road, &c. If parties cannot agree, sheriff, &c. to summon a jury. Jury may be challenged. Witnesses may be examined. Jury to award damages. Commissioners judgement to be final. Penalty on sheriff, &c. neglecting their duty. Verdicts to be inrolled. Determinations to be entered in a book. Land, &c. not used in the works may be sold. Commissioners may purchase land to build a customhouse. How expences of the jury are to be paid. Persons requiring a jury to give security to prosecute. Goods to be removed from the quays within 48 hours. Warehouses, &c. may be hired for keeping of goods, &c. Gunpowder, &c. to be removed at a certain time. Penalty on default 5*l*. For scouring the haven, basin, &c. Penalty on throwing dirt into the docks, &c. Timber not to be left in the haven more than 48 hours. No ballast to be raised between Dolphin Point and South End, without leave of the mayor. Penalty on cutting of ropes, &c. Not to extend to the dock master. Regulations in keeping fires, &c. on board of ships. Bell to be rung when fires are to be extinguished. 5*l*. penalty on persons boiling pitch, &c. on board. Gunpowder may be landed without leave of the officers of customs, when the vessel shall arrive on a Sunday, &c. No ship to enter the docks under sail. Old ships not to encumber the basin or dock. Expence of moving old ships may be levied by distress. Owners of vessels answerable for damages done by their crews. Materials may be laid on adjoining lands, making satisfaction. Persons destroying the docks, &c. to be punished. The fares of trucks and carts to be fixed. Water to be preserved to the town. Recovery and application of penalties and forfeitures. Penalties may be mitigated. Persons aggrieved may appeal to the quarter sessions. Proceedings not to be vacated for want of form. Limitation of actions. General issue. Treble costs. Writings may be without stamps. Saving rights of the Trinity house. Saving the rights of the corporation. Publick act.

C A P. LVII.

An act to repeal so much of an act, made in the last session of parliament, for reducing into one act the general laws relating to turnpike roads, as exempts persons from the payment of tolls at side gates erected at places specified in any act of parliament.

WHEREAS by an act, made in the thirteenth year of his present Majesty's reign, (intituled, An act to explain, amend, and reduce into one act of parliament, the general laws now in being for regulating the turnpike roads in that part of Great Britain called England, and for other purposes), it is provided and enacted, That no person shall be liable to pay toll at any toll-gate erected, or to be erected, across or on the side of any turnpike road, or be subject to any penalty for any carriage, horse, or beast, which shall only cross such road, and shall not pass above one hundred yards thereon, except over some bridge erected at a considerable expence by the trustees of such turnpike road; which provision, as it takes away or lessens the tolls of certain toll-gates erected by the authority or direction of former acts of parliament, at certain places in such acts specified for that purpose, is detrimental to many turnpike roads, and highly injurious to persons who have lent money on the security of such tolls: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said recited provision shall be, and the same is hereby repealed, so far as the same affects any toll-gate directed or authorised to be set up at any place particularly specified and mentioned in any act of parliament, for repairing any highway or road, passed before the making of the said act of the thirteenth year of his present Majesty's reign. Preamble.
Clause in act
13 Geo. 3. recited.

C A P. LVIII.

An act for repealing an act, made in the first year of the reign of King Henry the Fifth; and so much of several acts of the eighth, tenth, and twenty-third years of King Henry the Sixth, as relates to the residence of persons to be elected members to serve in parliament, or of the persons by whom they are to be chosen.

WHEREAS an act of parliament was made in the first year of the reign of King Henry the fifth, ordaining and establishing what sort of people shall be chosen, and who shall be the choosers of the knights and burgesses of the parliament; and also an act in the eighth year of the reign of King Henry the Sixth, ordaining what sort of men shall be choosers, and who shall be chosen knights of the parliament; and also an act in the tenth year of the reign of his said Majesty, requiring certain things in him who shall be a chooser of the knights of parliament; and also an act in the twenty-third year of the reign of his said Majesty, directing who shall be knights for the parliament, the manner Preamble.
Act 1 Hen. 5.
Act 8 Hen. 6.
Act 10 Hen. 6.
and act 23 Hen. 6.

so far as relates to the residence of persons to be elected members of parliament, &c. repealed.

of their election, and the remedy where one is chosen and another returned: *and whereas several provisions contained in the said acts have been found, by long usage, to be unnecessary, and are become obsolete*: in order therefore to obviate all doubts that may arise upon the same, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act, made in the first year of the reign of his majesty King Henry the Fifth, and every part thereof; and so much of the said several acts, made in the eighth, the tenth, and the twenty-third years of the reign of his majesty King Henry the Sixth, as relates to the residence of persons to be elected members to serve in parliament, or of the persons by whom they are to be chosen, shall be, and the same are hereby repealed.

C A P. LIX.

An act for preserving the health of prisoners in gaol, and preventing the gaol distemper.

Preamble.

WHEREAS the malignant fever, that is commonly called The Gaol Distemper, is found to be owing to a want of cleanliness and fresh air in the several gaols in England and Wales, and the fatal consequences of that disorder, of which there has been of late, too much experience, might be prevented, if justices of the peace were duly authorised to provide such accommodations in gaols as may be necessary to answer this salutary purpose: may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the several justices of the peace, in that part of Great Britain called England and Wales, within their several jurisdictions, in their quarter sessions assembled, are hereby authorized and required to order the walls and ceilings of the several cells and wards, both of the debtors and the felons, and also of any other rooms used by the prisoners in their respective gaols and prisons, where felons are usually confined, to be scraped and white-washed, once in the year at least; to be regularly washed and kept clean, and constantly supplied with fresh air, by means of hand ventilators, or otherwise; to order two rooms in each gaol or prison, one for the men, and the other for the women, to be set apart for the sick prisoners, directing them to be removed into such rooms as soon as they shall be seized with any disorder, and kept separate from those who shall be in health; to order a warm and cold bath, or commodious bathing tubs, to be provided in each gaol, or prison, and to direct the prisoners to be washed in such warm or cold baths, or bathing tubs, according to the condition in which they shall be at the time, before they are suffered to go out of such gaols or prisons upon any occasion whatever;

Powers of the justices at their quarter sessions.

ever; to order this act to be painted in large and legible characters upon a board, and hung up in some conspicuous part of each of the said gaols and prisons; and to appoint an experienced surgeon or apothecary, at a stated salary, to attend each gaol or prison respectively, who shall, and he is hereby directed to report to the said justices by whom he is appointed, at each quarter sessions, a state of the health of the prisoners under his care or superintendence.

II. And be it further enacted by the authority aforesaid, That the said justices of the peace, in their said quarter sessions assembled, are hereby authorised to direct the several courts of justice within their respective jurisdictions to be properly ventilated; to order cloaths to be provided for the prisoners, when they see occasion; to prevent the prisoners from being kept under ground, whenever they can do it conveniently; and to make such other orders, from time to time, for restoring or preserving the health of prisoners, as they shall think necessary.

They are to make orders as they shall think fit.

III. And be it further enacted by the authority aforesaid, That the expences attending the execution of the orders of the said justices, made in pursuance of this act, so far as the same shall respect county gaols and prisons, and courts of justice belonging to counties, shall be borne and defrayed, at all times, out of the respective county rates; and so far as the same shall respect the gaols and prisons, and courts of justice, of particular cities, towns corporate, cinque ports, liberties, franchises, or places, that do not contribute to the rates of the counties in which they are respectively situated, such expences shall be defrayed out of the public stock or rates of such cities, towns corporate, cinque ports, liberties, franchises, or places, having such exclusive jurisdictions, to which such gaols, or prisons, or courts of justice, shall respectively belong: and if any gaoler or keeper of any prison shall, at any time, neglect or disobey the orders of such justices made in pursuance of this act, he may be proceeded against in a summary way, by complaint made to the judges of assize, or to the justices, in their quarter sessions; and if he be found guilty of such neglect or disobedience, he shall pay such fine as the judges of assize, or justices, shall impose, and shall be committed in case of nonpayment.

Expences how to be defrayed.

Gaolers disobeying orders to be proceeded against in a summary way.

C A P. LX.

An act for indemnifying the innkeepers and victuallers within the hundred of Godley, in the county of Surrey, against the penalties to which they are or may be liable, for selling ale, beer, wine, or spirituous liquors, without proper licences, upon certain conditions.

Preamble. The licences granted in 1773 to be valid, for the purposes expressed. All suits commenced against the inn-keepers of Godley, for selling beer, wine, &c. since 1773, are hereby made void. No person to be intitled to this benefit, unless he obtains a legal licence before July 10, 1774; which the commissioners of excise and stamp duties are required to grant. Public act.

C A P. LXI.

An act to explain and amend two several acts of parliament, for erecting hospitals and workhouses within the city and county of the city of Exon, for the better employing and maintaining the poor there; and to raise further sums of money for the more effectually carrying the purposes of the said acts into execution.

C A P. LXII.

An act for the better governing and employing the poor, and making and collecting the poor's rates, within the parishes of Saint Giles in the Fields, and Saint George Bloombury, in the county of Middlesex.

C A P. LXIII.

An act for building a bridge cross the river Air, at Carlton, in the west riding of the county of York.

C A P. LXIV.

An act to explain so much of an act, made in the last session of parliament, (intituled, An act to regulate the importation and exportation of corn,) as relates to the method of ascertaining the prices of corn and grain exported.

Preamble.

WHEREAS by an act, made in the last session of parliament, (intituled, An act to regulate the importation and exportation of corn,) it is, amongst other things, enacted, That the several prices at which certain species of corn and grain, therein enumerated, shall be prohibited to be exported from this kingdom, and also that the prices at which the respective bounties granted by the said act are to be allowed upon the exportation of certain species of corn and grain, shall be ascertained according to the methods directed by the several acts of parliament, for ascertaining the rates and prices of corn and grain imported, or as directed by the said recited act: and whereas the prices, with respect to corn and grain imported into that part of Great Britain called England, Wales, and the town of Berwick upon Tweed, are, by the several acts now in force, directed to be ascertained at every quarter sessions for the respective counties within the same; which prices being so ascertained, cannot be altered until the next succeeding quarter sessions, although the prices of corn and grain may, in the mean time, be either very much increased or diminished: and whereas, by the aforesaid act, made in the last session of parliament, the prices of corn and grain, and oat-meal, in that part of Great Britain called Scotland, are to be ascertained by the sheriff or steward deputies, or their substitutes, of the several counties within which there are ports or places, for the importation and exportation of goods and merchandises, four times in the year; that is to say, Upon the first day of November, first day of February, first day of May, and first day of August, in manner therein directed, which prices so ascertained cannot be altered until the expiration of three months from the time of their ascertainment, although the prices of corn and grain, and oat-meal, may, in the mean time, be either very much increased or diminished; and it being

being expedient that the exportation of corn and grain from this kingdom, and the allowance of the several bounties thereon, should be governed and regulated, according to the real average prices of such corn and grain, and oat-meal, at the respective times when, and places from whence, the same shall be shipped for exportation: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of June, one thousand seven hundred and seventy-four, the prices of corn and grain, and oat-meal, exported from this kingdom, shall be regulated and governed by the average prices at which such corn and grain, and oat-meal, shall be respectively sold in the publick market, at or nearest to the port or place from whence such corn or grain, or oat-meal, shall be intended to be exported, on the last market-day preceding the shipping of such corn or grain, and the respective bounties granted by the said recited act shall, in like manner, be paid and allowed, according to such prices, by the same rules and regulations, and subject to the same securities, restrictions, oaths, penalties, and forfeitures, as the former bounties on corn or grain exported were paid and allowed, and were subject and liable to, before the making the said recited act of the last session of parliament; any thing therein contained to the contrary notwithstanding.

After 1 June, 1774, prices of corn and grain how to be regulated.

II. Provided always, and it is hereby further enacted by the authority aforesaid, That nothing herein-before contained shall extend, or be construed to extend, to prohibit any person from exporting any corn or grain, or oat-meal, or from receiving the bounty thereon, which shall be actually shipped or laid on board any ship or vessel, for that purpose, within twenty days from the entry thereof at the custom-house for exportation, although the prices of corn at such port may have arisen above the rates in the said act respectively specified, after the entry thereof, and before the expiration of twenty days from such entry; any thing herein-before contained to the contrary notwithstanding.

Nothing contained to prohibit the exportation of corn or grain if shipped 20 days from the entry thereof.

C A P. LXV.

An act to alter and amend an act, passed in the twenty-fifth year of the reign of his late majesty King George the Second, (intituled, An act for annexing certain forfeited estates in Scotland to the crown unalienably; and for making satisfaction to the lawful creditors thereupon; and to establish a method of managing the same, and applying the rents and profits thereof for the better civilizing and improving the highlands of Scotland, and preventing disorders there for the future;) so far as the same relates to the granting leases of the said estates.

WHEREAS by an act, made in the twenty-fifth year of his late Majesty's reign, (intituled, An act for annexing certain forfeited estates in Scotland to the crown unalienably; and

Preamble.
Act 25 Geo. 2.
for

for making satisfaction to the lawful creditors thereupon; and to establish a method of managing the same, and applying the rents and profits thereof for the better civilizing and improving the highlands of Scotland, and preventing disorders there for the future;) it is, amongst other things, enacted, That the commissioners and trustees to be appointed by his Majesty, his heirs and successors, shall have power to grant leases of the said estates, or any part thereof, in manner therein specified; but that no person shall be capable of taking or enjoying any lands or tenements, other than mines or fishings, by virtue of such lease or leases, of greater annual rent than twenty pounds at the utmost: and whereas the commissioners and trustees, appointed by his Majesty, finding that many farms of the said estates, formerly let at or under twenty pounds of yearly rent, have, by inclosing and other improvements, and by the increase of the price of horned cattle, and other produce of the said farms, become more valuable, so as they may afford rent above twenty pounds yearly, and which the tenants or others are willing to pay, were the commissioners enabled to grant leases of such farms at a higher rent than twenty pounds: and whereas the dividing farms, which have been let at the rent of twenty pounds, or under, and might now, or may hereafter, be let at a higher rent than twenty pounds, would be difficult and incommodious, especially in the case of inclosed farms, and would create much expence in building houses upon inconvenient farms: for remedy whereof, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the said commissioners and trustees, and such commissioners and trustees as shall be from time to time nominated and appointed by his Majesty, his heirs and successors, or a quorum of them, to let and grant leases of farms at a higher rent than twenty pounds, when they shall find it proper, and which leases shall be good and effectual to the lessees; any thing in the before-recited act of the twenty-fifth year of the reign of his late Majesty to the contrary notwithstanding.

II. Provided always, That no such lease or leases to be made or granted at a higher rent than twenty pounds, shall comprize lands which were let for more rent than twenty pounds, at any time preceding the year one thousand seven hundred and fifty-six.

The commissioners appointed by the said act to grant leases of farms at a higher rent than 20l.

No such lease to comprize lands let for more before 1756.

C A P. LXVI.

An act for the repeal of all former acts concerning the longitude at sea, except so much thereof as relates to the appointment and authority of the commissioners thereby constituted, and also such clauses as relate to the constructing, printing, publishing, vending, and licensing, of nautical almanacks, and other useful tables; and for the more effectual encouragement and reward of such person and persons as shall discover a method for finding the same, or shall make useful discoveries in navigation; and for the better making experiments relating thereto.

WHEREAS an act was made in the twelfth year of the reign of her late majesty Queen Anne, intituled, An act for providing a publick reward for such person or persons as shall discover the longitude at sea; and also another act was made in the fourteenth year of the reign of his late majesty King George the Second, intituled, An act for surveying the chief ports and headlands on the coasts of Great Britain and Ireland; and the islands and plantations thereto belonging, in order to the more exact determination of the longitude and latitude thereof; and also another act was made in the twenty-sixth year of the reign of his said late Majesty, intituled, An act to render more effectual an act, made in the twelfth year of the reign of her late majesty Queen Anne, intituled, An act for providing a public reward for such person or persons as shall discover the longitude at sea, with regard to the making experiments of proposals made for discovering the longitude; and to enlarge the number of commissioners for putting in execution the said act; and also another act was made in the second year of the reign of his present Majesty, intituled, An act for rendering more effectual an act, made in the twelfth year of the reign of her late majesty Queen Anne, intituled, An act for providing a public reward for such person or persons as shall discover the longitude at sea, with regard to making experiments of proposals made for discovering the longitude; and also another act was made in the third year of the reign of his present Majesty, intituled, An act for the encouragement of John Harrison to publish and make known his invention of a machine or watch, for the discovery of the longitude at sea; and also two other acts were made in the fifth year of the reign of his present Majesty, the one intituled, An act for rendering more effectual an act, made in the twelfth year of the reign of her late majesty Queen Anne, intituled, An act for providing a public reward for such person or persons as shall discover the longitude at sea, with regard to the making experiments of proposals made for discovering the longitude; and the other, intituled, An act for explaining and rendering more effectual two acts, one made in the twelfth year of the reign of Queen Anne, intituled, An act for providing a public reward for such person or persons as shall discover the longitude at sea; and the other in the twenty-sixth year of the reign of King George the Second, intituled, An act to render more effectual an act, made in the twelfth year of the reign of

Act 12 Annæ.

Act 14 Geo. 2.

Act 26 Geo. 2.

Act 2 Geo. 3.

Act 3 Geo. 3.

Act 5 Geo. 3.

her late majesty Queen *Anne*, intituled, *An act for providing a public reward for such person or persons as shall discover the longitude at sea, with regard to the making experiments of proposals made for discovering the longitude; and to enlarge the number of commissioners for putting in execution the said act; and also another act was made in the tenth year of the reign of his present Majesty, intituled, An act for rendering more effectual several acts, for providing a public reward for discovering the longitude at sea; for improving the lunar tables constructed by the late professor Mayer; and for encouraging discoveries and improvements useful to navigation: and whereas it is highly expedient to encourage, by further rewards, such other methods and experiments as may conduce to the discovery of the longitude at sea, and promote farther improvements and discoveries in navigation; and to make more effectual regulations for the examining, trying, and judging of all proposals, experiments, and improvements, relating therunto; may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That each and every of the said recited acts, (save and except such clause and clauses in each or any of them as relate to the appointment or authority of all or any of the commissioners thereby respectively constituted, and all such clause and clauses as relate to the constructing, printing, publishing, vending, and licensing, of nautical almanacks, and other useful tables,) shall, from and after the twenty-fourth day of *June*, one thousand seven hundred and seventy-four, be, and are hereby repealed.*

After June 24, 1774, the recited acts repealed, except two clauses.

Sums, as rewards, given to authors,

II. *And, for a due and sufficient encouragement to any person or persons who shall discover any method or methods for finding the said longitude, be it enacted by the authority aforesaid, That the first author or authors, discoverer or discoverers, of each and every such method or methods, his or their executors, administrators, or assigns, shall be intituled to, and have the rewards or sums of money herein-after mentioned; that is to say, In case the method proposed shall be, by means of a time-keeper, the principles whereof have not hitherto been made public, to the reward or sum of five thousand pounds, if such method determines the said longitude to one degree of a great circle, or sixty geographical miles; to the reward or sum of seven thousand five hundred pounds, if it determines the same to two-thirds of that distance; and to the reward or sum of ten thousand pounds, if it determines the same to one half of the said distance: which respective rewards shall be due and paid when such method shall have been sufficiently tried by the following experiments and voyages to be made and performed by such persons, and under such restrictions, as the said commissioners for the discovery of longitude at sea, respectively constituted by the above-recited acts, or the major part of them, shall think fit to appoint and direct; (that is to say,) when and so soon as two or more time-keepers, of the same construction, shall have been tried at the same time, for the space of twelve months,*

at

at the royal observatory at *Greenwich*, then in two voyages round the island of *Great Britain*, in contrary directions, and in such other voyages to different climates as the said commissioners shall think fit to direct and appoint; and after their return from such voyages, or any of them, for such longer time, at the said observatory, not exceeding twelve months, as the said commissioners shall judge necessary; and also when and so soon as the said commissioners, or two thirds of them, at the least, shall, after such experiments and voyages have been made and performed as aforesaid, have declared and determined that such method is generally practicable and useful, and sufficiently exact to determine the longitude at sea within the degrees or limits aforesaid, in all voyages for the space of six months, (impediments from cloudy and hazy weather excepted;) and also when and so soon as the principles and practice of such method are fully discovered and explained to the satisfaction of the said commissioners, or two-thirds of them at least; and such author or authors, discoverer or discoverers, shall have delivered up and assigned over to the said commissioners, for the use of the public, the absolute property of such time-keepers as shall have been tried by such experiments and voyages as aforesaid, together with all places, descriptions, theories, and explanations, belonging or relating to the same, and which shall contain the whole of such discovery of the longitude; and in case the method proposed shall be by means of improved solar and lunar tables; then, and in such case, the author or authors of such improved solar and lunar tables, their executors, administrators, or assigns, shall be intitled to and have the reward or sum of five thousand pounds, if such solar and lunar tables shall prove sufficiently exact to shew the distance of the moon from the sun and stars in the heavens, within fifteen seconds of a degree, answering to about seven minutes of longitude, after making an allowance of half a degree for the errors of observation; and when it shall appear to the satisfaction of the said commissioners, or two thirds of them, at least, that such tables are constructed entirely upon the principles of gravitation laid down by sir *Isaac Newton*, (except with respect to those elements which must necessarily be taken from astronomical observations, and also when the truth of such tables shall have been further confirmed and proved by comparison with a series of astronomical observations made during a period of eighteen years and a half, which is deemed the period of the irregularities of the lunar motions; which reward shall be due and paid, when the said commissioners, or two-thirds of them, at least, shall have declared and determined, that such tables are sufficiently exact, to shew the distance of the moon from the sun and stars in the heavens, within the limits above-mentioned; and also when the author or authors of such improved solar and lunar tables, his or their executors, administrators, or assigns, shall have delivered up, and assigned over to the said commissioners, for the use of the public, the absolute right and property to and in the same, together with the theory relating thereunto; and in case any other

method shall be proposed for finding the longitude at sea besides those before mentioned, that then, and in such case, the first author or authors, discoverer or discoverers, of any such method, his or their executors, administrators, or assigns, shall be intitled to and have the reward or sum of five thousand pounds, if it shall determine the said longitude within one degree of a great circle, or sixty geographical miles; to the reward or sum of seven thousand five hundred pounds, if it shall determine the same to two-thirds of that distance; and to the reward or sum of ten thousand pounds, if it shall determine the same to one half of the same distance; which respective rewards shall be due and paid, so soon as the said commissioners, or two-thirds of them, at least, shall, after proper trial have been made by their appointment and direction, have determined that such method shall be generally practicable and useful for finding the longitude at sea within the respective limits above-mentioned.

Treasurer of
the navy to
pay the sums,
or rewards,
to the authors.

III. And be it further enacted by the authority aforesaid, That when and so soon as any such method or methods, for the discovery of the said longitude, shall be tried, as before mentioned, and found practicable and useful at sea, and sufficiently exact to determine the longitude within any of the degrees or limits aforesaid, the said commissioners, or two-thirds of them, shall certify the same, under their hands and seals, to the commissioners of the navy for the time being, together with the name or names of the person or persons who shall be the author or authors of such method or methods; and upon the receipt of such certificate, the said commissioners of the navy are hereby authoris'd and required to make out a bill or bills upon the treasurer of the navy, for the respective sum or sums of money to which the author or authors of such proposal, his or their executors, administrators, or assigns, shall be intitled by virtue of this act; which sum or sums the said treasurer is hereby required to pay to the said author or authors, their executors, administrators, or assigns accordingly, out of any money that may be in his hands unapplied to the use of the navy, according to the true intent and meaning of this act.

IV. *And whereas the several sums of money granted by the above now-recited acts, towards making experiments of proposals for discovering the longitude at sea, and for improving the lunar tables, and making other discoveries or improvements useful to navigation, are, by reason of the several payments made by the treasurer of the navy, pursuant to the directions of the said acts, not only expended, but, moreover, several debts have been incurred, and are now growing due for services tending to the benefit of navigation, and, more particularly, for defraying the expence of the two observers who have been sent out to make nautical and astronomical observations in the southern hemisphere: and whereas it is highly necessary that the said debts should be discharged, and that ingenious persons should be encouraged to make further discoveries and improvements useful to navigation; be it further enacted by the authority aforesaid, That the above-mentioned commissioners for the discovery of longitude at sea shall and may certify the amount of such debts, together with the names of the persons*

Commission-
ers of longi-
tude to certify

persons to whom the same shall be respectively due, under their hands and seals, to the commissioners of the navy, who are hereby authorized and required to make out a bill or bills upon the treasurer of the navy for such sum or sums of money as may be necessary for discharging the said debts; which sum or sums of money the said treasurer is hereby required to pay to the person or persons to whom the same shall be respectively due, out of any money which shall be in his the said treasurer's hands unapplied as aforesaid.

debts incurred by former acts to the commissioners of the navy:

V. And be it further enacted by the authority aforesaid, That the said commissioners for the discovery of longitude at sea, or any five or more of them, shall have full power and authority to hear and receive any proposal or proposals that shall be made to them for discovering the said longitude, or for making any other useful improvement in navigation; and in case the said commissioners, or any five or more of them, shall be so far satisfied of the probability of any such discovery or improvement as to think it proper to cause experiments to be made thereof, they shall certify the same, together with the names of the author or authors of such proposal or proposals, under their hands and seals, to the commissioners of the navy, who are hereby authorized and required to make out a bill or bills upon the treasurer of the navy for any such sum or sums of money as the said commissioners for the discovery of longitude at sea, or any five or more of them, shall think necessary for making such experiments; which sum or sums the treasurer of the navy is hereby required to pay immediately to such person or persons as shall be appointed by the said commissioners to make those experiments out of any money which shall be in his the said treasurer's hands unapplied as aforesaid.

They are also to receive proposals for discovering the longitude,

and certify the same, with the names of the authors, to the commissioners of the navy.

VI. And be it further enacted by the authority aforesaid, That if any person or persons shall make any discovery for finding the longitude at sea, which, though not of so great use as to be intitled to any of the great rewards above specified, shall nevertheless be adjudged by the said commissioners for the discovery of longitude at sea, or the major part of them, to be of considerable use to the public, or shall make any other discovery or discoveries, improvement or improvements, useful to navigation; then, and in such case, such person or persons, his or their executors, administrators, or assigns, shall, from time to time, have and receive such less reward or sum or sums of money as the said commissioners, or the major part of them, shall think reasonable; and certify accordingly, under their hands and seals, to the commissioners of the navy, who are hereby authorized and required to make out a bill or bills upon the treasurer of the navy for any such sum or sums of money, which the said treasurer is hereby authorized and required to pay immediately to such person or persons, his or their executors, administrators, or assigns, out of any money that shall be in his the said treasurer's hands unapplied as aforesaid.

Persons making useful discoveries, to receive less rewards, agreeable to the judgment of the commissioners.

VII. Provided always, That all such sum or sums of money as shall be payable by the treasurers of

the navy not
to exceed
5000 l.

shall be paid by the treasurer of the navy by virtue hereof, as well for the purpose of discharging the several debts which have been incurred, and are now growing due for services tending to the benefit of navigation, as of making such experiments as aforesaid, and of rewarding, in a lesser degree, lesser discoveries for finding the longitude at sea, and also other discoveries and improvements useful to navigation, do not altogether exceed the sum of five thousand pounds: and also provided, That in case any such reward, or sums of money, to be given for any of those purposes shall not exceed the sum of one thousand pounds, that then, and in such case, it shall and may be certified to the commissioners of the navy as aforesaid, under the hands and seals of the said commissioners for the discovery of longitude, or any five or more of them; but if it shall exceed the sum of one thousand pounds, that then it shall be certified by the said commissioners, or the major part of them.

No person to
receive more
for discoveries
than the great-
est sum hereby
provided.

VIII. Provided also, and it is hereby further enacted, That in case any person or persons who shall and may have received any sum or sums of money, by virtue of this act, as a reward for any method of discovering the longitude at sea, shall afterwards become intitled to any of the greater rewards appointed by this act, for or on account of the same method; that then, and in such case, such sum or sums of money as they shall or may have received as aforesaid shall be considered as part of such greater reward, and deducted therefrom accordingly; and that no person shall receive more in the whole for any one method for discovering the longitude at sea than the greatest reward appointed for such method by this act.

The commis-
sioners to ad-
minister an
oath for carry-
ing the act into
execution.

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners for the discovery of longitude at sea, or the major part of them, and they are hereby authorized and empowered, for their better satisfaction, if they see occasion, to administer an oath or oaths to such person or persons as they shall think proper, for the purposes of carrying this act into execution; which oath or oaths it shall and may be lawful to and for any two or more of the said commissioners to administer accordingly; and in case any such person or persons shall wilfully swear falsely and untruly, every such person shall be liable to, and suffer such pains and penalties inflicted by the several statutes made, and now in force, against wilful perjury.

C A P. LXVII.

An act to continue the several laws therein mentioned, for granting liberty to carry rice from his Majesty's provinces of Carolina and Georgia, in America, directly to any part of Europe, southward of Cape Finisterre; for granting the like liberty to export rice from South Carolina and Georgia directly, to any part of America, to the southward of the said provinces; for granting the like liberty in the exportation of rice from East and West Florida, and from any part of America, southward of South Carolina and Georgia.

WHEREAS the laws herein-after mentioned are near expiring; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act, made in the third year of the reign of his late Majesty, intituled, *An Act for granting liberty for carrying rice from his Majesty's province of Carolina in America, directly to any part of Europe, southward of Cape Finisterre, in ships built in and belonging to Great Britain, and navigated according to law*, which was to be in force for five years, from the twenty-ninth day of *September*, one thousand seven hundred and thirty, and from thence to the end of the then next session of parliament; and also an act, made in the eighth year of the reign of his said late Majesty, to continue the said act from the expiration thereof, until the twenty-ninth day of *September*, one thousand seven hundred and forty-two, and from thence to the end of the then next session of parliament, and to extend that liberty to his Majesty's province of *Georgia in America*; which said acts, by several subsequent acts made in the fifteenth, sixteenth, twentieth, twenty-seventh, and thirty-third years of his said late Majesty's reign, and in the seventh year of the reign his present Majesty, were further continued, from the expiration thereof, until the twenty-ninth day of *September*, one thousand seven hundred and seventy-four, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued from the expiration thereof, to the twenty-ninth day of *September*, one thousand seven hundred and eighty-one, and from thence to the end of the then next session of parliament.

II. And be it further enacted by the authority aforesaid, That an act, made in the fourth year of his present Majesty's reign, intituled, *An act for granting, for a limited time, a liberty to carry rice from his Majesty's provinces of South Carolina and Georgia, directly to any part of America to the southward of the said provinces, subject to the like duty as is now paid on the exportation of rice from the said colonies to places in Europe situated to the southward of Cape Finisterre*, which was to continue in force for five years, from the twenty-fourth day of *June*, one thousand seven hundred and sixty-four, and from thence to the end of the then next session of

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par-

and a clause in
act 5 Geo. 3.

parliament; and also a clause in an act, passed in the fifth year of his said Majesty's reign, which gave liberty to export rice from *North Carolina*, in the same manner, and under the like entries, securities, restrictions, regulations, limitations, duties, penalties, and forfeitures, as were enacted by the said act, made in the fourth year of his present Majesty's reign, with respect to carrying rice to *South Carolina* and *Georgia*, which have continuance until the twenty-fourth day of *June*, one thousand seven hundred and seventy-four, and from thence to the end of the then next session of parliament, shall be, and the same are hereby further continued, from the expiration thereof, until the twenty-fourth day of *June*, one thousand seven hundred and eighty-one, and from thence to the end of the then next session of parliament.

further conti-
nued until
June 24, 1781.

Act 10 Geo. 3.

III. And be it further enacted by the authority aforesaid, That an act, made in the tenth year of the reign of his present Majesty, intituled, *An act for extending like liberty in the exportation of rice from East and West Florida to the southward of Cape Finisterre in Europe*, as is granted by former acts of parliament to *Carolina* and *Georgia*, which was to continue in force from the first day of *August*, one thousand seven hundred and seventy, until the twenty-ninth day of *September*, one thousand seven hundred and seventy-four, and from thence to the end of the then next session of parliament; and which act was amended by an act, made in the eleventh year of the reign of his said Majesty, shall be, and the same are hereby further continued, from the expiration thereof, until the twenty-ninth day of *September*, one thousand seven hundred and eighty-one, and from thence to the end of the then next session of parliament.

further conti-
nued till Sept.
29, 1781.

C A P. LXVIII.

An act to prevent frauds in the buying and selling of hops.

Preamble.

WHEREAS divers frauds are practised in the packing or bagging of hops; for remedy whereof, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, when any officer of excise shall attend for the purpose of bagging any hops pursuant to the directions of an act, passed in the ninth year of the reign of Queen *Anne*, (intituled, *An act for laying a duty on hops*,) such officer shall, upon pain of forfeiting for every neglect the sum of five pounds, weigh the bags or pockets intended by the planters, growers, or owners of the hops to be used for the bagging thereof; and shall, before the hops shall be put therein, mark, or cause to be marked, on the outside of each such bag or pocket, in plain and legible letters or characters, with ink or paint, the true weight, or tare thereof; and that the excise officer shall also mark, or cause to be marked, on each such bag or pocket, in manner aforesaid, the planter or planters name or names, in full length,

Officers to
weigh the
bags for hops
on penalty of
5 l. for every
neglect;

and shall, be-
fore hops be
put therein,
mark on the
outside the
weight there-
of; the plant-
er's name;

length, and the place of his or their abode, together with the date of the year in which such hops were grown; and if any excise officer shall put his mark of the weight of the hops upon any bag, before such bag, and hops therein contained, shall have been weighed by him, he shall, for each offence, forfeit the sum of forty shillings.

and when such hops were grown.

II. And it is hereby declared, That the marks of the excise officer, hereby directed to be made, shall be proof sufficient that the planter, grower, or owner of hops, has conformed to the directions of this act.

Officers marks to be sufficient proof.

III. And be it further enacted by the authority aforesaid, That all penalties and forfeitures for offences against this act, shall, upon information and proof of the offences respectively, before any one justice of the peace for the county or place where the offence shall be discovered, or wherein the offender shall be or reside, either by the confession of the party or parties offending, or by the oath of one or more witnesses or witnesses, (which oath such justice of the peace is hereby empowered and required to administer without fee or reward,) be levied by distress and sale of the goods and chattels of the party or parties offending, by warrant or warrants under the hand and seal of such justice, (which warrant or warrants such justice is hereby empowered to grant;) and the overplus, after such penalties and forfeitures, and the charges of such distress and sale, are recovered and deducted, shall be returned upon demand, unto the owner or owners of such goods and chattels; and one half of the penalties and forfeitures, when so paid or levied, shall, from time to time, be paid to the person who shall give information of any such offence; and the other half shall be paid to the overseer or overseers of the poor of the parish or place where the offence shall be committed, and applied to the use of the poor thereof respectively.

Penalties to be levied by distress and sale of offender's goods:

one half to the informer, and the other to the poor.

IV. And be it further enacted, That if any person or persons, shall forge, counterfeit, alter, or wilfully obliterate any mark, by this act directed to be put by the officers of excise upon any such bag or pocket; every such person so offending, and being thereof legally convicted before a justice of the peace, shall be subject to a penalty of ten pounds; to be levied, paid, and applied in manner and form above directed: and in default of payment thereof, shall suffer six months imprisonment, or until he shall have paid the said penalty.

Persons forging marks to forfeit 10l.

V. Provided always, and it is hereby declared, That no person shall be liable to be prosecuted for any penalty for any offence against this act, unless complaint shall be made thereof to some justice of the peace for the county or place where the cause of complaint shall arise, or be discovered within six calendar months next after the sale of any such hops; any thing herein contained to the contrary thereof notwithstanding.

Complaint to be made to some justice, or no person liable to be prosecuted.

VI. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a public act; and shall be judicially taken notice of as such by all judges, justices, and other persons whatsoever, without specially pleading the same.

Public act.

C A P.

C A P. LXIX.

An act for raising a certain sum of money by loans or exchequer bills, for the service of the year one thousand seven hundred and seventy-four.

C A P. LXX.

An act for applying a certain sum of money; for calling in, and re-coining, the deficient gold coin of this realm; and for regulating the manner of receiving the same at the bank of England; and of taking, there, an account of the deficiency of the said coin, and making satisfaction for the same; and for authorising all persons to cut and deface all gold coin, that shall not be allowed to be current by his Majesty's proclamation.

Preamble.

WHEREAS the gold coin of this realm has been greatly diminished by clipping, filing, and other evil practices, particularly of late years, in violation of the laws of this realm; and it has been a practice to export and melt down the new and perfect coin, soon after it has been issued for private advantage, to the great detriment of the public, and the like practice will continue while pieces differing greatly in weight are current under the same denomination, and at the same rate and value: and whereas, for preventing the mischiefs to which the public are exposed, it is proper, in the first place, that all guineas weighing less than five pennyweights, eight grains; and all half guineas, weighing less than two pennyweights, sixteen grains; and all quarter guineas, weighing less than one pennyweight, and eight grains; should be called in, and re-coined, according to the established standard of the mint, both as to weight and fineness; and it is proper likewise that the same should be called in by degrees, and as fast as the occasions of circulation will allow, and as the officers of the mint are able to recoin the same: and whereas the lords spiritual and temporal, and commons, in parliament assembled, have, in their address, most humbly besought your Majesty, that your Majesty would be graciously pleased to issue your royal proclamation or proclamations, and thereby appoint such days as to your Majesty should seem meet, after which the said guineas, half guineas, and quarter guineas, should not be allowed in payment, or to pass, except only to the collectors or receivers of the public revenues, or to such persons as your Majesty shall authorise to receive and exchange the same; and that your Majesty would appoint certain other days, after which the said guineas, half guineas, and quarter guineas, should not be allowed to pass in any payment whatsoever, or to be exchanged in manner aforesaid; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the tellers in the receipt of his Majesty's exchequer, and the several receivers general, and their deputies, and the particular receivers and collectors, and officers, who are or shall be entrusted with the receipt or collection of his Majesty's revenues, impositions, duties, taxes, aids, or supplies, within the kingdom of Great Britain, and

Collectors of the revenues, &c. to receive the diminished gold coin:

and the vice treasurer and receiver general, and paymaster general, of all his Majesty's revenues in the kingdom of *Ireland*, and his or their deputy or deputies, and the teller of the exchequer there, and all the collectors or receivers, and other officers, who are or shall be intrusted with the receipt or collection of the said revenues, shall, and by this act, and they are severally required and enjoined, to accept and take, for his Majesty's use, for or upon account of any of the said revenues, impositions, duties, taxes, aids, or supplies respectively, during such time or times as shall be appointed and limited in his Majesty's proclamation or proclamations, to be issued in manner aforesaid, such guineas, half guineas, and quarter guineas, being the gold coin of this realm, at the rates they were respectively coined, so as the deficiency in weight of any of them does not exceed the deficiency at which they shall be allowed respectively to pass in payment to the said tellers, vice treasurer, receivers or collectors, by the said proclamation or proclamations.

II. *And whereas the lords spiritual and temporal, and commons, in parliament assembled, have, in their said address to your Majesty, delivered it as their opinion, that the public do bear the loss arising from the deficiency and recoinage of the said guineas, half-guineas, and quarter guineas, provided such deficiency doth not exceed the rates settled by the order of the commissioners of your Majesty's treasury of the twenty-third day of July, one thousand seven hundred and seventy-three, and provided such guineas, half-guineas, and quarter-guineas, be offered in payment to the receivers or collectors of the public revenue, or are brought to such person or persons as shall be authorized to receive and exchange the same, within certain times to be appointed by your Majesty's proclamation or proclamations: And whereas the governor and company of the bank of England have consented and agreed to receive and exchange all the said guineas, half-guineas, and quarter-guineas, that shall be brought to their office in London, on condition that the deficiency of the said monies be made good to them, and that they be paid the necessary charge of melting down and casting the same into ingots, and assaying the same: now, in order that an account may be more easily settled, and exactly adjusted, for the purposes before mentioned, be it further enacted by the authority aforesaid,*

That the tellers of his Majesty's exchequer, and the receivers general of the several revenues, impositions, duties, taxes, aids, or supplies, in *Great Britain*, resident within the cities of *London* and *Westminster*, do, and they are hereby strictly enjoined and required, to convey, or cause to be conveyed, all and every the said deficient gold coin, received or taken by them, as soon as conveniently may be, and within fourteen days after the receipt thereof, at farthest, to the office of the governor and company of the bank of *England*, in *London*, there to be exchanged for such other coin as shall from thenceforth be allowed to pass in payment, and be current; and that the vice treasurer and receiver general, and paymaster general of all his Majesty's revenues in the kingdom of *Ireland*, and his or their deputy or deputies, and teller of his Majesty's exchequer there, do,

Who are to convey the same to the governor and company of the bank of *England*;

there to be exchanged for other current coin.

do, and they are hereby strictly enjoined and required, in like manner, to convey, or cause to be conveyed, all and every the said deficient gold coin received or taken by them, as soon as conveniently may be, and within forty days after the receipt thereof at farthest, to the said office of the governor and company of the bank of *England*, in *London*, there to be exchanged for such other coin as shall from thenceforth be allowed to pass in payment, and be current; and the coin which the said tellers or vice treasurer, or his or their deputy or deputies, or receivers general, shall receive in exchange for the said deficient coin, shall be placed by them to the respective accounts of the said particular revenues, taxes, loans, or other branches to which the deficient coin did belong, and shall be issued and applied to the same uses and purposes respectively to which the said deficient gold coin was appropriated, and ought to have been issued and applied, without being diverted or divertible to any other use or purpose, or being misapplied, under the penalty of incurring the same forfeitures and disabilities by the officers, or other persons concerned therein, as they would have incurred for diverting or misapplying the money of such taxes, revenues, loans, or other branches, in case the same were not exchanged in manner before mentioned.

Receivers appointed when to remit the deficient coin.

III. And be it further enacted by the authority aforesaid, That all persons who shall be appointed by his Majesty, within the kingdoms of *Great Britain* and *Ireland*, to receive and exchange the said deficient gold coin, do, and they are hereby respectively required, and strictly enjoined, from time to time, to remit or send, or cause to be remitted or sent, all and every the said deficient coin, received or taken, or coming to their hands, according to his Majesty's proclamation or proclamations, as soon as conveniently may be after the receipt thereof, to the office of the governor and company of the bank of *England*, in *London*, and in like manner to send, or cause to be sent, to the said office, the residue of such deficient coin so by them received, if received within that part of *Great Britain* called *England*, within the space of twenty-one days at farthest; and if within that part of *Great Britain* called *Scotland*, within the space of twenty-eight days at farthest; and if within the kingdom of *Ireland*, within the space of forty days at farthest, next after the day on which his Majesty's said proclamation or proclamations shall have declared that such monies shall not be allowed to pass in any payment whatsoever, in order that the said deficient coin may be exchanged by the said governor and company, in manner before mentioned, for any other coin allowed from thenceforth to pass in payment, or be current; and the said governor and company, of the bank of *England*, upon tender of any such deficient gold coin, by any of the persons before mentioned, shall give, and they are hereby authorised and required to give, in exchange for such deficient gold coin, any other coin from thenceforth allowed to pass in payment, and be current.

IV. And be it further enacted by the authority aforesaid, That

That it shall and may be lawful for the said governor and company of the bank of *England* to constitute and appoint two or more persons; which said persons, together with two or more persons, to be appointed by the lord high treasurer, or lords commissioners of his Majesty's treasury for the time being, shall, and they are hereby respectively authorised and required, under the direction of the warden, master, and comptroller of his Majesty's mint, and their deputies, one of whom shall always be present, and of the governor and directors of the said bank of *England*, one of whom shall always be present, from time to time, to take and state an exact account, as well of all the said deficient guineas, half guineas, and quarter guineas, then remaining in the bank of *England*, as of all such guineas, half guineas, and quarter guineas, which shall be received by the said governor and company of the bank of *England*, or be paid into the said bank, by the several persons before mentioned, or by any person or persons whomsoever, and to examine whether the same is or are the gold coin of this realm, and not of less weight than is or shall be allowed at such times respectively, in and by his Majesty's said proclamation or proclamations; and to cause all monies as shall be found to be the gold coin of this realm, and not of less weight than is or shall be allowed as aforesaid, to be exactly numbered or told, and carefully weighed, and to set down and state an exact account of the deficiency found therein, and then to cause all the said pieces to be cut, broken, or defaced; and then, with all convenient speed, to deliver, or cause to be delivered, an account and particular of all the several matters aforesaid, under the hands of the persons by and before whom such account or accounts shall be taken, to the lord high treasurer, or lords commissioners of his Majesty's treasury for the time being.

V. *And whereas the commons of Great Britain, in parliament assembled, have resolved, that a sum not exceeding two hundred and fifty thousand pounds, be granted to your Majesty towards defraying the expence which shall be incurred in calling in and recoinning the said deficient gold coin, in pursuance of the resolutions of the house of commons of the tenth day of May, one thousand seven hundred and seventy-four: may it therefore please your Majesty that it may be enacted; and be it enacted by the authority aforesaid, That it shall and may be lawful to and for the lord high treasurer of Great Britain, or lords commissioners of his Majesty's treasury for the time being, or any three or more of them, and he and they is and are hereby authorised and required to issue and apply, or cause to be issued, paid, and applied, from time to time, and as they shall see occasion, out of the said sum of two hundred and fifty thousand pounds, granted in this present session of parliament, such sum and sums of money, to the governor and company of the bank of *England*, as shall appear to be the amount of such deficiency and deficiencies, to be taken and stated in manner aforesaid; and likewise such sum and sums of money as shall appear to them to be requisite to defray all charges and expences*

Examiners to be appointed by the governor of the bank, and the lords of the treasury.

Treasury to issue such sums as shall appear to be the amount of all deficiencies.

and towards
the expence
of recoining
the same into
standard cur-
rent money.

expences in melting down such deficient money, and casting the same into ingots, and assaying the same; and also to advance such sum and sums of money as they shall see occasion, from time to time, to the master and worker of his Majesty's mint, for and towards the several expences to be incurred in and about the recoinage of the same, into the standard current money of this realm; and also to grant a reasonable reward to the governor and company of the bank of *England*, and to such exchangers of the said monies as his Majesty shall appoint for that purpose, and to all other officers, clerks, and persons employed in and about the several matters herein contained, and to discharge all such other incidental expences as shall necessarily attend the execution of this act.

Commission-
ers of the
treasury to
issue (out of
250,000*l.*
hereby grant-
ed) such sums
as are neces-
sary to the
vice trea-
surer, &c. of
Ireland;

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the lord high treasurer, or lords commissioners of his Majesty's treasury for the time being, or any three or more of them, and he and they is and are hereby empowered by warrant under their respective hands, by and out of the said sum of two hundred and fifty thousand pounds, to issue, pay, and advance, such sum and sums of money, as he or they, in his or their discretion, shall think fit, to the vice treasurer and receiver general, and paymaster general of all his Majesty's revenues in the kingdom of *Ireland*, and his or their deputy or deputies, or to the teller of the exchequer there, or to such person or persons as shall or may be appointed by his Majesty in *Great Britain* and *Ireland*, for the purpose of exchanging, in manner before mentioned, the said deficient guineas, half guineas, and quarter guineas, so as the said vice treasurer and receiver general, and paymaster general, or his or their deputy or deputies, and the said teller of the exchequer, and the person or persons to be appointed as aforesaid, first give security, to the satisfaction of the lord high treasurer, or lords commissioners of his Majesty's treasury for the time being, or any three or more of them, duly to account for the same, and also for applying the same in getting in such deficient coin as aforesaid, and for conforming himself and themselves to the rules and regulations herein-before mentioned, or such as shall be directed by his Majesty's proclamation or proclamations, to be observed and performed concerning the receiving and exchanging such deficient coin, and the payment thereof, into the bank within the respective times appointed for that purpose.

who are to
give security
to the lords
of treasury,
for exchange-
ing and pay-
ing the same.

Persons au-
thorized to cut
and deface
light gold
coin.

VII. And be it further enacted by the authority aforesaid, That the tellers in the receipt of his Majesty's exchequer in *Great Britain*, and the vice treasurer and receiver general, and paymaster general of all his Majesty's revenues in the kingdom of *Ireland*, and his or their deputy or deputies, and the teller of the exchequer there, and all receivers, collectors, and other officers of all his Majesty's revenues wheresoever, and all other persons whatsoever, are hereby authorized and required to cut, break, or deface, or cause to be cut, broken, or defaced, every piece

piece of gold coin of this realm that shall be tendered to them, or any of them, in payment after such time and times as any such piece of gold coin shall, by virtue of any proclamation of his Majesty in council, be declared not to be allowed to pass in any payment whatsoever, any law or statute to the contrary thereof in any-wise notwithstanding; and the person tendering the same shall bear the loss; but if any such piece so cut, broken, or defaced, shall be of due weight, and appear to be lawful money, the person that cut, broke, or defaced the same, shall and is hereby required to take and receive the same at the rate it was coined for: and if any questions or disputes shall arise whether the piece so cut be lawful coin, within the intent and meaning of his Majesty's proclamations, it shall be heard and finally determined by the mayor, bailiff or bailiffs, or other chief officer of any city or town-corporate where such tender shall be made; and if such tender shall be made out of any city or town-corporate, then by some justice of the peace of the county inhabiting or being near the place where such tender shall be made; and the said mayor, or other chief officer and justice of the peace, shall have full power and authority to administer an oath, as he shall see convenient, to any person for determining any questions relating to the weight and lawful currency of the said piece of coin.

VIII. And be it further enacted by the authority aforesaid, **Persons ag-** That, in all cases where any matter or thing is by this act en- **grieved to re-** joined to be done by any of his Majesty's officers of the exche- **ceive double** quer in *Great Britain or Ireland*, or by any receiver general, or **damages from** any other officer of his Majesty's revenues there, and such officer shall make wilful default in the performance thereof, by **defaulters.** which any person or persons whatsoever shall be grieved, or suffer any loss or damage; then, and in every such case, the officer or officers making such default shall be liable, by virtue of this act, to answer and pay double damages to the party grieved or injured; and that all penalties and forfeitures arising by this act, in all cases where no special remedy is before appointed for recovery thereof, shall and may be recovered by **Forfeitures** action of debt, bill, suit, or information, in any of his Majesty's **recoverable by** courts of record in *Great Britain or Ireland* respectively, wherein **action of** no essoin, protection, wager of law, or more than one impar- **debt.** lance, shall be granted.

C A P. LXXI.

An act to prevent the exportation to foreign parts of utensils made use of in the cotton, linen, woollen, and silk manufactures of this kingdom.

WHEREAS the exportation of the several tools or utensils **Preamble.** made use of in preparing, working up, and finishing, the cotton and linen manufactures of this kingdom, or any or either of them, or any other goods wherein cotton and linen, or either of them, are used, will enable foreigners to work up such manufactures, and thereby greatly

greatly diminish the exportation of the same from this kingdom: therefore, for preserving as much as possible to his Majesty's British subjects the benefits arising from those great and valuable branches of trade and commerce, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if at any time after the first day of *July*, one thousand seven hundred and seventy-four, any person or persons, in *Great Britain* or *Ireland*, shall, upon any pretence whatsoever, load or put on board, or cause to be laden or put on board, of any ship, vessel, or boat, which shall not be bound directly to some port or place in *Great Britain* or *Ireland*, any such tools or utensils as are commonly used in, or are proper for the preparing, working up, or finishing, of the cotton or linen manufactures, or any or either of them, or any other goods wherein cotton and linen, or either of them, are used, or any parts or parcels of such tools or utensils, by what name or names the same shall or may be called or known; the person or persons so offending shall, for every such offence, not only forfeit and lose all such tools and utensils, or parts or parcels thereof, which shall be so laden or put on board as aforesaid, but also the sum of two hundred pounds of lawful money of *Great Britain*; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of session in *Scotland*, or in any of the four courts of *Dublin* respectively, wherein no effoin, protection, privilege, or wager of law, shall be allowed, or more than one imparlance.

After July 1, 1774, persons shipping tools or utensils used in the cotton or linen manufactures in order to export the same,

to forfeit all such tools, &c. and 200 l.

Officers of customs to seize all tools, &c. on board such vessels;

which may be publicly sold;

one moiety to his Majesty, and the other to the officer.

Master of a ship permitting such tools or utensils to be exported, forfeits 200 l.

II. And be it further enacted by the authority aforesaid, That from and after the said first day of *July*, it shall and may be lawful to and for any officer of his Majesty's customs in *Great Britain*, and for any officer of the revenue in *Ireland*, to seize and secure, in some or one of his Majesty's warehouses, all such tools or utensils, or parts or parcels thereof, by this act prohibited to be exported, as such officer shall find or discover to be laid or put on board of any ship, vessel, or boat, which shall not be bound directly to some port or place in *Great Britain* or *Ireland*, and that every officer who shall seize and secure any of the said tools or utensils, or parts or parcels thereof, shall be fully and absolutely indemnified for so doing; and all tools and utensils, or parts or parcels thereof, so seized and secured as aforesaid, shall, after condemnation thereof in due course of law, be publicly sold to the best bidder, and one moiety of the produce arising by the sale of such tools and utensils shall be to the use of his Majesty, his heirs and successors, and the other moiety to the officer who shall seize and secure the same as aforesaid.

III. And be it further enacted by the authority aforesaid, That, from and after the said first day of *July*, if the captain or master of any ship, vessel, or boat, in *Great Britain* or *Ireland*, shall knowingly permit any tools or utensils, by this act prohibited

bited to be exported as aforesaid, to be put on board his said ship, vessel, or boat, every such captain or master shall, for every such offence, forfeit the sum of two hundred pounds of lawful money of *Great Britain*; to be sued for and recovered in such manner as the penalties by this act upon persons exporting the said tools and utensils are to be sued for and recovered: and if the said ship, vessel, or boat, belongs to his Majesty, his heirs or successors, then the captain or master thereof shall not only forfeit the sum of two hundred pounds, to be sued for and recovered as aforesaid, but shall also forfeit his employment, and be incapable of any office or employment under his Majesty, his heirs or successors.

and if the ship belongs to his Majesty, the captain forfeits 200l. and his commission.

IV. And be it further enacted by the authority aforesaid, That if any customer, comptroller, surveyor, searcher, waiter, or other officer of the customs in *Great Britain*, or any officer of the revenue in *Ireland*, shall take, or knowingly or willingly suffer to be taken, any entry outward, or shall sign any cocket, warrant, or sufferance, for the shipping or exporting of any of the said tools or utensils by this act prohibited to be exported, or shall knowingly or willingly permit or suffer the same to be done, directly or indirectly, contrary to the true intent and meaning of this act, every such customer, comptroller, surveyor, searcher, waiter, or other officer of the customs of *Great Britain*, or officer of the revenue in *Ireland*, shall, for every such offence, forfeit the sum of two hundred pounds of lawful money of *Great Britain*, to be sued for and recovered, as aforesaid, and shall also forfeit his office, and be incapable of holding any office or employment under his Majesty, his heirs or successors.

Officer of customs allowing an entry outward of such prohibited utensils, to forfeit 200l. and his office.

V. And be it further enacted by the authority aforesaid, That if any person or persons, from and after the said first day of *July*, shall collect, obtain, or have, in his, her, or their custody or possession any such tools or implements as aforesaid, or any tools or implements used in the woollen or silk manufactures of this kingdom, or any parts or parcels thereof, and complaint shall be made upon the oath of one or more credible witness or witnesses before any justice or justices of the peace, that there is reason to believe that such person or persons have or hath collected, obtained, or got into his, her, or their custody or possession, such tools or implements as aforesaid, or parts or parcels thereof, with intent to export the same to some other port or place than *Great Britain* or *Ireland*; then, and in such case, it shall and may be lawful to and for the justice or justices of the peace, unto whom such complaint shall be made, to issue his warrant or warrants, not only to seize all such tools or implements, and parts or parcels thereof, but also to bring the person and persons so complained of before him or them, or some other of his Majesty's justices of the peace for the same county, riding, division, or city; and if, when such person or persons shall be so brought before such justice or justices, he, she, or they, shall not give such an account of the use or purpose to

Any person collecting such tools or implements, in order to export the same, on complaint of witnesses, justices may grant warrants to seize them, and the person;

and if not able
to give a satis-
factory ac-
count of the
use of such
utenfils,

which such tools or utensils, or parts or parcels thereof, are intended to be appropriated, as shall be satisfactory to the justice or justices before whom he, she, or they, shall be brought as aforesaid, then, and in such case, it shall and may be lawful to and for such justice or justices, not only to cause all such tools or utensils, or parts or parcels thereof, which shall have been seized as aforesaid, to be detained, but also to bind the person or persons so charged to appear at the next assizes, general gaol delivery, or quarter sessions of the peace for the county, city, riding, or division, where such offence shall be committed, with reasonable sureties for his, her, or their appearance; and in case such person or persons shall refuse or neglect to give such security, then, and in such case, it shall and may be lawful to and for such justice and justices to commit the person or persons so refusing to the county gaol, there to be kept until the next assizes, or next quarter sessions of the county, city, riding, or division, where such commitment shall be, at the election of such justice of the peace, and until he, she, or they, shall be delivered by due course of law: and in case any such person or persons shall be convicted upon any indictment or information against him, her, or them, at such assize or general gaol delivery, or quarter sessions of the peace as aforesaid, of collecting, obtaining, or getting into his, her, or their custody or possession, such tools or utensils, or parts or parcels thereof, with such intent as aforesaid; then, and in such case, the person or persons so offending, shall, for every such offence, not only forfeit and lose all such tools and utensils, and parts and parcels thereof, which shall be so seized and detained, but also the sum of two hundred pounds of lawful money of *Great Britain*; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of session in *Scotland*, or in any of the four courts at *Dublin* respectively, wherein no effoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed.

justices, for
want of pro-
per security,
may commit
the offender:

and in case
such person be
convicted at
any assize, &c.
he shall lose all
such utensils,
and forfeit
200 l.

One moiety
of forfeitures
to go to his
Majesty, and
the other to
the prosecutor.

Limitation of
actions.

General issue.

Treble costs.

VI. And be it further enacted by the authority aforesaid, That one moiety of the respective forfeitures by this act inflicted upon offenders against the same, shall, when recovered, go and be applied to the use of his Majesty, his heirs and successors, and the other moiety to the use of the person or persons who shall sue and prosecute for the same respectively.

VII. And be it further enacted by the authority aforesaid, That if any suit or action shall be commenced against any person for what he shall do in pursuance of this act, such action shall be commenced within six months after the fact committed; and the person, so sued, may file common bail, or enter a common appearance, and plead the general issue, not guilty; and may give this act, and the special matter, in evidence; and if the plaintiff or prosecutor shall become nonsuit, or suffer discontinuance, or if a verdict pass against him or her, or if upon demurrer, judgement be given against the plaintiff, the defendant shall recover treble costs.

C A P. LXXII.

An act for ascertaining the duty on printed, painted, stained, or died stuffs, wholly made of cotton, and manufactured in Great Britain, and for allowing the use and wear thereof, under certain regulations.

WHEREAS a new manufacture of stuffs, wholly made of Preamble.
raw cotton wool, (chiefly imported from the British plantations,) hath been lately set up within this kingdom, in which manufacture many hundreds of poor persons are employed: and whereas the use and wear of printed, painted, stained, or dyed stuffs, wholly made of cotton, and manufactured in Great Britain, ought to be allowed under proper regulations: and whereas doubts have arisen whether the said new-manufactured stuffs ought to be considered as callicoes, and as such, if printed, painted, stained, or dyed with any colour or colours, (such as shall be dyed throughout of one colour only excepted,) liable to the inland or excise duties laid on callicoes, when printed, painted, stained, or dyed, with any colour or colours, (except as aforesaid,) by the statutes made, and now in force, concerning the same; and whether the wearing or use of the said new-manufactured stuffs, when the same are printed, painted, stained, or dyed, are not prohibited by an act, passed in the seventh year of the reign of his late majesty King George the First, intituled, An act to preserve and Act 7 Geo. 1.
encourage the woollen and silk manufactures of this kingdom, and for more effectual employing the poor, by prohibiting the use and wear of all printed, painted, stained, or dyed callicoes, in apparel, household stuff, furniture, or otherwise, after the twenty-fifth day of December, one thousand seven hundred and twenty-two, (except as therein is excepted:) for obviating all such doubts for the future, may it please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That No higher
no greater or higher duty than three-pence for every yard in
length, reckoning yard wide, and after that rate for a greater or
lesser quantity, shall be imposed, raised, levied, collected, or
paid, unto and for the use of his Majesty, his heirs and succes-
sors, on the said new-manufactured stuffs, wholly made of
cotton spun in Great Britain, when printed, stained, painted, or
dyed, with any colour or colours.

II. And be it further enacted by the authority aforesaid, That
it shall and may be lawful for any person or persons to use or
wear, within the kingdom of Great Britain, either as apparel,
household stuff, furniture, or otherwise, any new-manufactured
stuffs, wholly made of cotton spun in Great Britain, when printed,
stained, painted, or dyed, with any colour or colours; any
thing in the said recited act of the seventh year of the reign of
his late majesty King George the First, or any other act or
acts of parliament to the contrary hereof in any-wise notwith-
standing.

3 d. for every
yard in
length, yard
wide, to be
levied on the
new-manufac-
tured stuffs.

All persons
may wear and
use the same.

Marks, to know that such stuffs are manufactured in Britain, to be wove in the warp.

III. *And, to the end it may be known that such stuffs were manufactured in Great Britain*, be it further enacted, That in each piece of the said new-manufactured stuffs, wholly made of cotton wool, spun in *Great Britain*, there shall be wove in the warp, in both selvages, through the whole length thereof, three blue stripes, each stripe of one thread only; the first of which said stripes shall be the first or outermost thread of the warp of each selvege; the second of which said stripes shall be the third thread; and the third of which said stripes shall be the fifth thread of the warp from each selvege; and that each piece of the same stuffs, when printed, stained, painted, or dyed, in *England, Wales, or Berwick upon Tweed*, be stamped at each end with a stamp, to be provided for that purpose, by the commissioners of excise in *England* for the time being, or by the officers employed or to be employed under them, and instead of the word *Callico*, which stands for foreign calicoes each piece be marked with the words, *British Manufactory*; and that each piece of the same stuffs, when printed, stained, painted, or dyed, in *Scotland*, be stamped at each end with a stamp, to be provided for that purpose by the commissioners of excise in *Scotland* for the time being, or by the officers employed or to be employed under them, and instead of the word *Callico*, which stands for foreign calicoes, each piece be marked with the words, *British Manufactory*.

Persons exposing such to sale without the mark,

(unless for exportation,) shall forfeit the stuffs, and 50l. for every piece.

Exception.

IV. And be it further enacted by the authority aforesaid, That if any person or persons, body or bodies corporate, shall expose, or cause to be exposed to sale, or have in his, her, or their custody or possession, in *Great Britain*, any stuffs wholly made of cotton, and printed, painted, stained, or dyed, (muslins, neckcloths, and fustians excepted,) wherein shall not be woven in the warp, in both selvages, only through the whole length of each piece three blue stripes, (unless for exportation,) then such person or persons, body or bodies corporate so offending, shall not only forfeit all and every such last-mentioned stuffs so exposed, or caused to be exposed to sale, or which shall be in his, her, or their custody or possession, but shall also forfeit for every piece thereof the sum of fifty pounds; to be recovered and divided in manner herein-after mentioned; save only such stuffs as are wholly made of cotton wool, and which have been, or shall be, manufactured in *Great Britain*, and which shall be marked or stamped on or before the seventeenth day of *August*, one thousand seven hundred and seventy-four, by some officer to be appointed by the commissioners of excise; all which last-mentioned stuffs, so manufactured and marked or stamped, it shall and may be lawful to expose, or cause to be exposed to sale, or for any person or persons, body or bodies corporate, to have in his, her, or their custody or possession; any thing in this act contained to the contrary thereof in any-wise notwithstanding.

Cotton velvets, or fustians excepted.

V. Provided always, That nothing in this act contained shall extend to cotton velvets, veverets, or other fustians, manufactured in *Great Britain*.

VI. And

VI. And be it further enacted by the authority aforesaid, That none of the penalties in the said recited act, which may have been incurred for the wearing or using any sort of the said new-manufactured stuffs, wholly made of cotton wool, spun in *Great Britain*, and printed, painted, stained, or dyed, within the kingdom as aforesaid, shall be recovered or levied, unless some prosecution for the same hath been already commenced, and judgement already obtained thereupon; any thing in the said recited act contained to the contrary hereof in any-wise notwithstanding.

VII. And be it further enacted by the authority aforesaid, That the said duty of three-pence for every yard in length, reckoning yard wide, and after that rate for a greater or lesser quantity, to be imposed, raised, levied, collected, and paid, upon the said new-manufactured stuffs wholly made of cotton, spun in *Great Britain*, when printed, stained, painted, or dyed, in *England*, *Wales*, or *Berwick upon Tweed*, shall be under the management of the commissioners of excise in *England* for the time being, and the officers employed, or to be employed, under them; and that the said duty upon the same stuffs, when printed, stained, painted, or dyed, in *Scotland*, shall be under the management of the commissioners of excise in *Scotland* for the time being, and the officers to be employed under them; and that the said respective commissioners of excise in *England* and *Scotland* for the time being, shall, from time to time, pay, or cause to be paid, all the monies that they shall respectively receive for the said duty of three-pence for every such yard as aforesaid, upon the same stuffs, when printed, stained, painted, or dyed, as the same shall arise into the receipt of his Majesty's exchequer in *England*, under the like penalties, forfeitures, and disabilities as are to be inflicted under or by virtue of any act, statute, or law made, and now in force, for diverting or misapplying any monies by any such act, statute, or law, appropriated or appointed for any the purposes therein expressed.

VIII. And be it further enacted by the authority aforesaid, That the respective commissioners to be appointed for managing the said duty upon the said new-manufactured cotton stuffs, when printed, stained, painted, or dyed, in *Great Britain*, as aforesaid, shall, on or before the fifth day of *July*, one thousand seven hundred and seventy-four, provide proper seals or stamps, for marking such of the said new-manufactured cotton stuffs to be printed, stained, painted or dyed, in *Great Britain*, as aforesaid, as are to be stamped and marked, for and in order to the charging of the said duty for the same; and shall cause the said seals or stamps to be distributed to the respective officers, for the several purposes before mentioned; which officers are hereby enjoined and required, in using the same, to do as little hurt or damage as may be to the stuffs to be so marked or stamped: and the said respective commissioners, in providing the said respective seals or stamps, shall take care that they be so contrived that the impression thereof may be durable, and so as the same

which may be renewed.

Persons counterfeiting stamps to suffer death.

Persons importing such stuffs to forfeit such, and sol. for every piece.

Persons selling counterfeited stuffs to suffer death.

Upon information of unstamped stuffs being in custody of any draper;

may be least liable to be forged or counterfeited; and that the said seals or stamps, or any of them, shall or may be allowed or renewed, from time to time, as his Majesty, his heirs or successors, shall think fit: and if any person or persons whomsoever shall, at any time or times hereafter, counterfeit or forge any stamp or seal, to resemble any stamp or seal which shall be provided or made in pursuance of this act, or shall counterfeit or resemble the impression of the same upon any of the stuffs chargeable by this act, thereby to defraud his Majesty, his heirs or successors, of the said duty thereupon to be chargeable or payable in respect thereof, then every such person so offending, and being thereof convicted in due form of law, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy.

IX. And be it further enacted by the authority aforesaid, That if any person or persons, body or bodies corporate, shall import or bring into *Great Britain*, or into any port, harbour, haven, or creek thereof, any callicoos, muslins, or any other goods or stuffs whatsoever made of linen yarn only, or of linen yarn and cotton wool mixed, or made wholly of cotton wool, wherein shall be wove in the warp in either or both selvages only, through the whole or any part of the length of each piece, one or more blue stripe or stripes of one or more thread or threads; such person or persons, body or bodies corporate, shall not only forfeit and lose all and every such callicoos, muslins, goods, or stuffs, which shall be so imported or brought into *Great Britain*, or into any port, harbour, haven, or creek thereof, but shall also forfeit the sum of ten pounds for each piece thereof; to be recovered and applied in manner herein-after mentioned.

X. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times hereafter, sell any printed, painted, stained, or dyed stuffs, wholly made of cotton, with a counterfeit stamp thereon, knowing the same to be counterfeited, and with an intent to defraud his Majesty, his heirs or successors, all and every such offender and offenders, their aiders, abettors, and assistants, being thereof convicted in due form of law, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy.

XI. And be it further enacted by the authority aforesaid, That at any time or times hereafter, upon oath made by any credible person or persons, that he, she, or they, have reason to suspect or believe that any printed, painted, stained, or dyed stuffs, wholly made of cotton, for which a duty ought to have been paid or charged, as aforesaid, are or shall be in the custody or possession of any draper, or other person or persons trading or dealing therein, or for any person or persons for the use or account of such draper or other trader or dealer for sale, without having thereupon such marks or stamps as are by this act required to denote the payment, or charging of the said duties thereupon; it shall and may be lawful to and for the commissioners who

who shall be appointed for the duties upon silk, callicoes, linens, or stuffs, printed, stained, painted, or dyed in *Great Britain*, or the major part of them, within the limits of the weekly bills of mortality, or any two justices of the peace in any other parts of the kingdom of *Great Britain*, from time to time, to issue their respective warrants or orders, thereby authorising and requiring any officer or officers for the same duties, (with the assistance of a constable, or other officer of the peace) in the day-time, to search for the same, and to open doors, trunks, chests, and package, and to seize such goods, and to bring them to the office for the said duties, next to the place where they shall be so seized, in order to a further proceeding thereupon, according to this act; and that every such warrant and order shall and may be obeyed and executed accordingly.

XII. And be it further enacted by the authority aforesaid, That one moiety of the penalties and forfeitures, which shall be incurred as aforesaid, shall be to the use of his Majesty, his heirs and successors, and the other moiety to the use of such person or persons, who shall inform or sue for the same, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, wherein no essoin, protection, or wager in law, or more than one imparlance, shall be allowed; such information or informations, to be entered, filed, and prosecuted in the name of his Majesty's attorney general, or in the name or names of some officer or officers of his Majesty's revenue of the customs or excise, according to the true intent and meaning of an act, passed in the twelfth year of the reign of his late majesty King *George the First*, intituled, *An act for the improvement of his Majesty's revenues of customs, excise, and inland duties*.

XIII. And be it further enacted by the authority aforesaid, That all and every the powers, directions, rules, penalties, forfeitures, clauses, matters and things, which in and by any act, statute, or law made, and now in force, relating to his Majesty's revenue of excise, are provided and established for managing, raising, levying, collecting, mitigating, or recovering, adjudging, or ascertaining the excise or inland duty or duties, for and upon any callicoes or stuffs whatsoever, when printed, stained, painted, or dyed, with any colour or colours, within the kingdom of *Great Britain*, shall be practised, used, and put in execution, in and for the managing, raising, levying, collecting, mitigating, recovering, and paying the said duty of three-pence for every such yard as aforesaid, upon the said new-manufactured stuffs, as fully and effectually as if all and every the said powers, rules, directions, penalties, forfeitures, clauses, matters, and things, were particularly repeated and re-enacted in the body of this present act.

XIV. And be it further enacted and declared by the authority aforesaid, That if any question shall arise, whether any of the said new-manufactured stuffs, wholly made of cotton, have been manufactured in *Great Britain*, the proof of their having

Commissioners, or two justices, may cause the same to be seized.

One moiety of the penalties to the King, and the other to the informer.

Powers, rules, and penalties now in force, in excise laws, to be used relative to this act.

Proof of the stuffs being manufactured in Britain to lie on the owner.

been manufactured in *Great Britain* shall lie upon the owner or owners of such stuffs, and not upon the prosecutor; any law, usage, or custom to the contrary notwithstanding.

C A P. LXXIII.

An act to extend so much of an act, passed in the twelfth year of the reign of his present Majesty, as relates to distillers or makers of low wines and spirits from corn, to every kind of distiller; and for the more effectual securing the revenue of excise, arising from low wines and spirits; and for ascertaining the allowance to be made to the manufacturers of wool and linen, in respect of the duties on soap imported and used in the woollen and linen manufactures.

Preamble.

Act 12 Geo. 3.
recited,

After June 24,
1774, so far
as relates to
distillers of
low wine,
hereby re-
enacted.

After June 24,
1774, distil-
lers to have
their stills of
the dimen-
sions menti-
oned; viz.

wash still to
contain 400
gallons,

WHEREAS by an act, passed in the twelfth year of the reign of his present Majesty, intituled, An act for the more effectual preventing of frauds in the revenue of excise, with respect to tea, soap, low wines, and spirits, it was, amongst other things, enacted, That the stills and utensils of distillers and makers of low wines and spirits from corn or grain should be secured by locks and fastenings, as in and by the said recited act is provided; which provision has been found advantageous to the fair trader and the revenue, and the extending the like powers and regulations to all distillers of low wines and spirits for sale, from whatever materials such low wines and spirits shall or may be drawn, is likely to produce the same good effect; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty-fourth day of June, one thousand seven hundred and seventy-four, the said recited act, and every clause, matter, and thing therein contained, so far as relates to distillers and makers of low wines and spirits from corn or grain, (other than such as are hereby altered, amended, or enlarged,) shall be, and are hereby re-enacted and declared to extend to all and every distiller and maker of low wines and spirits, rectifiers and compounders of spirits, from whatsoever material or materials, preparation or preparations, the same low wines or spirits shall be extracted, drawn, made, rectified, or compounded.

II. And, for the better remedying the evils which the said recited act was intended to prevent, and for rendering the provisions thereof more effectual, be it further enacted by the authority aforesaid, That from and after the said twenty-fourth day of June, one thousand seven hundred and seventy-four, no distiller or maker of low wines or spirits for sale shall have in his, her, or their custody or possession, or in the custody or possession of any other person or persons, in trust, or for the use or benefit of him, her, or them, any still or stills but of the content herein-after mentioned; that is to say, every still for distilling any sort of fermented worts or wash, and commonly called *The Wash Still*, shall contain at least four hundred gallons in the body of such still, exclusive of the head, and every still for distilling low wines, and

and commonly called *The Low Wine Still*, shall contain in the body thereof, and exclusive of the head, at least one hundred gallons, on pain to forfeit, for every still containing respectively a less number of gallons than as above mentioned, the sum of one hundred pounds.

Low wine still 100 gallons, on penalty of 100l.

III. And be it further enacted by the authority aforesaid, That every distiller and maker of low wines and spirits for sale, and every rectifier and compounder of spirits, shall, on or before the said twenty-fourth day of *June*, one thousand seven hundred and seventy-four, and every person who shall thereafter so distil or make low wines or spirits, or shall rectify or compound spirits, shall, before he, she, or they, begin so to distil, make, rectify, or compound, or cause to be made (with the approbation of the respective surveyors or supervisors of excise, of the district or division in which their workhouses are or may be situate) in the breast of every still by him, her, or them used, a hole or opening, to the intent that the gaugers and officers of excise may take gauges and samples, at the time, and in the manner, herein-after directed; which hole or opening in the wash still shall not be more than five inches square, and so contrived, that the officers of excise may take a gauge or gauges thereof with a cork and rule, and in every other still, not being a wash still, the hole or opening shall not be less than one inch and half an inch in diameter, and so contrived that the officers may take a sample or samples from the still with a phial, to be drawn perpendicularly through the same; and the said holes or openings shall be locked and secured in like manner, and under the same rules, regulations, and penalties, as by the said recited act are directed for securing the still heads, and other conveyances therein, of distillers and makers of low wines and spirits from corn or grain.

Distillers to make holes or openings in the breast of their stills for the use of gaugers;

which shall not be above five inches square, in a wash still, &c.

under the regulations of 12 Geo. 3.

IV. And, the more effectually to prevent distillers, rectifiers, and compounders, from working in the absence of the officers of excise, be it further enacted by the authority aforesaid, That from and after the said twenty-fourth day of *June*, one thousand seven hundred and seventy-four, every distiller and maker of low wines or spirits for sale, rectifiers and compounders, shall, at his, her, or their own expence, find, provide, and affix, sufficient locks, keys, and fastenings, (to be approved of in writing by and under the hands of the respective surveyors or supervisors of excise of the division or district in which such distiller or maker of low wines or spirits shall respectively reside,) to the furnace door of each and every still respectively by him, her, or them, used; and the officers of excise shall be permitted to lock and secure the said furnace doors of each and every still respectively, under their survey, at any time when such stills are not at work; and whenever such distiller or maker of low wines or spirits shall be desirous to light a fire under such still or stills, and to have the said furnace doors opened, and shall have given notice in manner as herein-after is directed; then, and in every such case, the officers of excise shall attend to open the same.

Distillers to affix sufficient locks, &c. to the furnace door of stills;

and the officers to secure the same,

and attend to open them.

V. And

Locks and keys to be affixed to the discharge cocks of wash stills, &c.

Distillers refusing to comply are to forfeit 50l.

Officers to attend to open furnace doors, upon notice given by distillers.

What time requisite to give notice to officers when distillers intend to charge their stills.

V. And be it further enacted by the authority aforesaid, That every distiller and maker of low wines or spirits for sale shall, at his, her, and their own expence, find, provide, and affix, sufficient locks, keys, and fastenings, to be approved of as aforesaid, to the discharge cock of ever wash still, and of every low wine still, by him, her, or them, used; and the officers of excise shall be permitted, if they see cause, to lock and secure such discharge cocks at any time when such still or stills shall be at work: and if any such distiller or maker of low wines or spirits, rectifier or compounder, shall, after the said twenty-fourth day of *June*, one thousand seven hundred and seventy-four, presume to distil, or to make low wines or spirits, or to rectify or compound spirits, before he, she, or they, shall have caused such holes or openings to be made, with the approbation of the surveyor or surpervisor as aforesaid, and before he, she, or they, shall have found, provided, and affixed, sufficient keys, locks, and fastenings, to be approved of as aforesaid, to every such furnace door, and to every such discharge cock respectively to each still, to him, her, or them belonging, or by him, her, or them used, according to the directions herein given, or shall refuse to pay for such locks, keys, and fastenings, in pursuance of the directions of this act; he, she, or they shall, for each offence, forfeit fifty pounds.

VI. And be it further enacted by the authority aforesaid, That whenever any distiller or maker of low wines or spirits from corn or grain shall be desirous to have the furnace door of his, her, or their still or stills unlocked, and shall have given the like notice, and in the manner as by the above-recited act is directed to be given for opening the stills of such distillers and makers of low wines and spirits from corn and grain; then, and in every such case, the officers of excise shall attend to open the same; and when any distiller or maker of low wines or spirits from molasses, or other material, (not being corn or grain), or any rectifier or compounder of spirits, shall be desirous to have the furnace or furnaces of his still or stills opened, he, she, or they, if within the weekly bills of mortality, shall twelve hours at least, and in other parts of *Great Britain* twenty-four hours at least, before the particular hour or time of the day or night when he, she, or they intend to have the same opened, give notice, in writing, to the officer of excise who surveys his, her, or their stillhouse, who, on receiving such notice, shall attend accordingly: and when such distiller and maker of low wines or spirits from molasses, or other material, (not being corn or grain), shall be desirous to charge his, her, or their wash still or wash stills, he, she, or they, if within the weekly bills of mortality, shall give notice, in writing, to the officer of excise under whose survey he, she, or they, then is or are, four hours at least, or in other parts of *Great Britain*, eight hours at least, of the particular hour or time of the day when he, she, or they, intend to charge such wash still or wash stills; which notices for opening the furnace doors of distillers from molasses,

molasses, or other material, (not being corn or grain), and also for charging the wash stills of such distillers, shall be given at the times herein mentioned; that is to say, from the twenty-ninth day of *September* to the twenty-fifth day of *March*, yearly, between the hours of seven in the morning and five in the evening; and from the twenty-fifth day of *March* to the twenty-ninth day of *September* yearly, between the hours of five in the morning and five in the evening; and in case such distiller and maker of low wines or spirits from molasses, or other material, (not being corn or grain), shall not begin to charge his, her, or their wash still at the time mentioned in such notice, or within one hour after, such notice shall, in every case respectively, be null and void; and the distiller and maker, in such case respectively, shall be obliged to give another like notice, in writing, before the officer shall be obliged to attend the charging of such still or stills, as aforesaid.

VII. And be it further enacted by the authority aforesaid, That when and so often as any distiller and maker of low wines or spirits for sale shall give notice, in writing, to the officers of excise, of his intention to charge his wash still or wash stills, as by this and the said recited act is directed and required; every such distiller or maker of low wines or spirits shall express, in such notice, the particular washbatch and washbatches, from which he intends to charge his wash still or wash stills, and shall, in such notice, describe the number and mark of such washbatch and washbatches; and if such distiller or maker of low wines or spirits, shall neglect to express the particular washbatch or washbatches, with the number and mark, every such notice shall be null and void; and every such distiller or maker of low wines or spirits shall be obliged to give fresh notice.

The number and mark of washbatches to be signified in the notice to be given; or such notice shall be void.

VIII. And be it further enacted by the authority aforesaid, That if any such distiller or maker of low wines or spirits, shall at any time charge his wash still, or wash stills from any washbatch or washbatches not particularly mentioned or described in the notice as aforesaid, or shall discharge from, or take out of any still any feints or spent wash, contrary to the directions of this act; then, and in every such case, he, she, or they, shall, for each offence, forfeit the sum of one hundred pounds.

Penalty for charging wash stills not mentioned in the notice 100l.

IX. And be it further enacted, That the officers of excise shall be permitted, and they are hereby impowered, to take still gauges, as well of spent wash and feints as of the charge of the wash still and wash stills, at any time or times after the still or stills are charged, and before the still or stills come to work, and to take samples of the same at any time or times after the still or stills are charged, and before the still or stills come to work, and also after the still or stills are off, paying, if demanded, after the rate of one shilling and sixpence *per* gallon for the wash, and four-pence *per* gallon for spent wash and feints so taken: and if the officer, in taking such gauge or gauges, sample or samples, shall discover that any wash has been put into any still, except the known wash still, or into the wash still, without the

Officers of excise may take still gauges, and samples of the same, paying 1s. 6d. for the wash, and 4d. for the spent wash *per* gallon. If any wash

Notice

has been put
in the still than
what can be
accounted for,
distiller to pay
double duty
for the same;

notice herein mentioned and required; or shall find any increase in such still or stills more than can be accounted for by the compare with the decrease, from the washbatch or washbatches particularly mentioned and expressed in the notices to be given as above directed; or if such officer, on comparing the quantity of low wines charged with the spent wash remaining in the wash still, shall find a greater proportion than could arise from the quantity of wash taken account of in the washbatches pumped into such wash still; then, and in each and every such case, such increase shall be deemed and taken to be made from some washbatch or washbatches not mentioned in such notice, and the officer shall, in every such case, and he is hereby required and directed to charge such distiller or maker of low wines or spirits with double the duty from the presumptive charge; and such distiller or maker of low wines or spirits shall pay such double duty accordingly; and no allowance shall be made to any such distiller or maker of low wines or spirits, for any feints, water, or other liquor whatsoever, on any pretence put into such wash still or wash stills, but such as shall have been put into such still or stills in the sight and view of the proper officer of excise.

and no allow-
ance for feints,
&c. to be made,
but what is
put into stills,
in the view of
the officer.

If the officer
discovers, in
any still, other
than the
known wash
still, wash
mixed with the
low wines, &c.
the distiller
to pay 100l.

How the of-
ficer may act
when several
notices are
given at one
hour.

X. And be it further enacted, That if the officer of excise shall at any time discover, at the still-house of any such distiller or maker of low wines or spirits, rectifier or compounder, in any still or stills, other than the known wash stills, any wash put into or mixed with the low wines or spirits in such still or stills, every such distiller or maker, rectifier or compounder, shall for every such offence forfeit one hundred pounds.

XI. And whereas it may frequently happen, that notices given under the directions of this and of the above-recited act may be given by more than one distiller or maker of low wines and spirits, rectifier or compounder, in the same division or district, and each of those notices may express the same hour or time for the officer of excise to attend for the purposes of the said acts, whereby the officers may be greatly harassed, be it further enacted by the authority aforesaid, That if the officer of excise shall attend at the workhouse of any distiller or maker of low wines or spirits, rectifier or compounder of spirits, according to the notice, or within one hour after the particular hour or time mentioned in any such notice, it shall be sufficient.

Any person
opening fur-
nace doors,
discharge
cocks, &c. af-
ter being fas-
tened by the
officer forfeits
100l.

Person ob-
structing of-
ficers forfeit
100l.

XII. And be it further enacted by the authority aforesaid, That if by any means, device, or contrivance whatsoever, any person shall open any furnace door, discharge cock, or any fastening on the holes or openings in the breasts of any still or stills, after the same shall have been locked or secured by the officer of excise, or shall wilfully hurt or damage any lock, or other fastening, every such person shall, for every such offence respectively, forfeit and lose the sum of two hundred pounds.

XIII. And it is hereby further enacted by the authority aforesaid, That if any person or persons shall obstruct, hinder, or oppose any of the said officers, in the execution of the powers given to him by this act, the person or persons offending there-
in,

in, shall, for every such offence, forfeit the sum of one hundred pounds.

XIV. And be it further enacted by the authority aforesaid, *Fines, forfeitures, &c. how to be sued for,* That all fines, penalties, and forfeitures, imposed by this act, shall be sued for, recovered, levied, or mitigated, by such ways, means, and methods, as any fine, penalty, and forfeiture, is or may be recovered or mitigated, by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of ex- and how to be chequer in *Scotland*; and that one moiety of every such fine, applied. penalty, or forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall discover, inform, or sue for the same.

XV. And whereas by an act, passed in the tenth year of her late Majesty Queen Anne, it was enacted, That there should be raised, levied, collected, and paid, unto her Majesty, her heirs and successors, for and upon all soap which at any time or times within or during the term of thirty-two years, should be imported into the kingdom of Great Britain, over and above all former customs, or subsidies, the sum of two-pence for every pound weight avoirdupois; and for and upon all soap which, during the said term should be made within the said kingdom, the sum of one penny for every such pound weight avoirdupois: and whereas by one other act, made in the twelfth year of the reign of her said late Majesty, it was enacted, That the further duty of one penny, for and upon every pound weight avoirdupois of such soap so to be imported or brought into this kingdom; and the further duty of one halfpenny for every such pound weight of soap to be made in the said kingdom, should be raised, levied, collected, and paid, for the term of thirty-two years, to be reckoned from the time therein mentioned: and whereas by the said first recited act, it being judged reasonable to give an ease or encouragement to persons employed in making or finishing woollen manufactures, it was therefore further enacted, That there should be paid to the said manufacturers so much as one-third part of the duty granted by the said act, for all soap employed, spent, and consumed, in the making, finishing, or preparing any manufacture of sheep or lambs wool, upon proof thereof made, as in and by the said act is directed and required: and whereas by the said recited act of the twelfth of her said late Majesty, it was provided and enacted, That during the continuance of the duties on soap by that act granted, there should be paid to all persons who should employ, spend, or consume, any quantity of soap in any manufacture of sheep or lambs wool only, or manufactures whereof the greatest part of the value of the materials shall be wool, or in whitening of new linen in the piece, upon proof thereof, as in and by the said last recited act is directed, so much as the whole duties by the said act granted: and whereas the said several above recited acts, and the duties, allowances, and payments thereby granted and given, have been made perpetual: and whereas great quantities of British-made soap have of late been sold to the manufacturers of wool and linen, as and for foreign soap imported into this kingdom, and such manufacturers having employed, spent, and consumed the said soap so purchased in the manufacture of wool and linen, have applied to the proper officers of excise

Act 10 Annæ recited; relating to importation and making of soap.

Act 12 Annæ recited, respecting manufacturers who make use of soap.

After 24 June, 1774, there shall be paid to every manufacturer of wool the duties paid for soap made in this kingdom.

Payments to be made as directed by the recited acts.

Persons prosecuted for any thing done by this act may plead the general issue.

Treble costs.

cise in their several collections and districts for the allowance by the said several statutes granted, and have claimed payment of the duties as for soap imported, whereby the revenue has been greatly lessened: for remedy thereof, be it enacted by the authority aforesaid, That from and after the twenty-fourth day of June, one thousand seven hundred and seventy-four, there shall be paid to every such manufacturer of wool or linen, as aforesaid, for all soap employed, spent, or consumed, by him, her, or them, in such manufactory, whether such soap be imported into, or made in this kingdom only, so much of the said duties as are now paid for soap made in this kingdom; any law, statute, or usage notwithstanding.

XVI. And be it further enacted by the authority aforesaid, That the said payment shall be made on the like proofs, and under the same rules, regulations, oaths, affirmations, pains, and penalties, as in and by the said above-recited acts are directed and required.

XVII. And be it further enacted by the authority aforesaid, That if any person or persons shall be sued, molested, or prosecuted for any thing done by virtue or in pursuance of this act, such person or persons shall and may plead the general issue, and give this act, and the special matter, in evidence, in his or their defence or defences; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action or actions, or be nonsuited, or judgement shall be given against him, her, or them, on demurrer, or otherwise, then such defendant or defendants shall have treble costs awarded to him, her, or them, against any such plaintiff or plaintiffs.

C A P. LXXIV.

An act for reducing the rates and duties payable upon the importation of great raisins

Preamble, reciting the duties payable by the book of rates, 12 Car. 2.

and 11 Geo. 1.

WHEREAS in and by the book of rates referred to by the act of tonnage and poundage, made in the twelfth year of the reign of King Charles the Second, raisins great the hundred weight, containing one hundred and twelve pounds, are rated at one pound ten shillings; and in and by the additional book of rates referred to by an act, made in eleventh year of the reign of his late majesty King George the First, raisins of Alicant, Denia, and other raisins not otherwise rated, the hundred weight, containing one hundred and twelve pounds, are rated at no more than ten shillings: and whereas it has been found, by experience, that the duties payable upon great raisins, according to the rate herein-before mentioned, are too high in proportion to the real and true value of such raisins, which has been a great discouragement to the importation thereof, to the prejudice of the revenue and trade of this kingdom: for remedy whereof, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of July, one thousand

After 24 June 1774, duties

and seven hundred and seventy-four, the duties payable upon the importation of great raisins, according to the said rate of one pound ten shillings *per* hundred weight, shall cease, determine, and be no longer paid. payable by the said rate, on the importation of raisins, to cease.

II. And be it further enacted by the authority aforesaid, That, in lieu of the said former rates and duties repealed by this act, all great raisins or raisins usually entered under that denomination, which, from and after the said first day of *July*, one thousand seven hundred and seventy-four, shall be imported or brought into this kingdom, shall be rated to, and pay the old subsidy granted by, the act of tonage and poundage, made in the twelfth year of the reign of King *Charles* the Second, according to the rate and value of ten shillings for every hundred weight, containing one hundred and twelve pounds, and after that rate for any greater or less quantity of such raisins; and the several further subsidies, additional duties, and all other imposts and duties whatsoever, to which such raisins were subject and liable before the making this act, shall, in like manner, be paid proportionably, according to the rate or value herein-before set thereon for the old subsidy, and not according to any former rate or value; any thing in any other act to the contrary notwithstanding. Great raisins to pay the old subsidy by 12 Car. 2.

III. And be it further enacted by the authority aforesaid, That the several subsidies, impositions, and duties made payable by this act upon such raisins, shall be raised, levied, collected, recovered, paid, and applied, in such manner and form, and by such ways and means, and under the like penalties and forfeitures, and with such discounts, allowances, and drawbacks, as the said former subsidies, and other duties, were raised, levied, collected, recovered, paid, and applied, and were subject and liable to, and all the powers, penalties, provisions, articles, and clauses, contained in the several acts of parliament, which granted or continued the same respectively, shall continue in full force and effect, and shall be applied, practised, and executed, for the raising, levying, collecting, recovering, paying, and applying, the said respective subsidies, impositions, and other duties, according to the true intent and meaning of this present act, as fully and effectually, to all intents and purposes, as if the said clauses, matters, and things, had been repeated and enacted in the body of this present act. How the subsidies and impositions are to be raised and applied.

C A P. LXXV.

An act for enlarging the present, or providing a new workhouse, for the use of the parish of Saint Saviour Southwark, and for regulating the poor in such workhouse; for widening King Street, at the entrance into the High Street, Southwark; for making a carriage way from the said High Street, through the Greyhound Inn, into Queen Street, and for improving the passage from thence into Gravel Lane, leading towards the Black Friars Bridge road, in the parish of Christ Church.

Preamble. Trustees. Time and place of trustees first meeting. Meetings to be adjourned if a sufficient number do not attend, &c. Trustees to bear their own expences. Trustees dying, &c. inhabitants to appoint others in their stead. No person capable of acting as a trustee whilst concerned

cerned in any contract. Trustees to appoint a treasurer. For appointing clerks, collectors and other officers; and allowing them salaries. Collectors to account. If collectors refuse to account, actions to be brought against them, and the money may be levied by distress. Trustees may enlarge the present workhouse, or may sell it, and purchase ground and build a new one. Poor may be punished for misbehaviour. Deserted children, and wandering poor, may be taken up. Penalty on persons buying, or receiving into pawn, cloaths, &c. belonging to the poor, &c. Manner of chusing overseers for the future. Not to alter an act of 7 Geo. 3. Trustees may make the openings as described in the schedule. Materials vested in the trustees. Bodies politick, &c. impowered to contract with trustees for the sale of lands, &c. On refusal to treat, value to be settled by a jury. Sheriff, on notice from trustees, to impanel a jury. Jury may view the place in question. Jury may be challenged. Witnesses may be cited and examined. Penalty on sheriff, &c. making default, not to exceed 10l. Jury to assels for recompence. Trustees to give judgement, and the verdict to be final. Verdicts to be entered by the clerk of the peace. Expences of the jury and witnesses by whom to be borne. Verdict not binding, unless money be paid within 6 calendar months. On payment of purchase-money, premises to be conveyed. In case of refusal or incapacity to convey, or if mortgagees refuse to take their mortgage money, the same to be paid into the bank, in the name of the accountant general of the court of chancery, subject to the order of that court in a summary way, &c. On payment of sums assessed, Premises to be vested in the said trustees. Purchase-money may be placed out at interest. How dividends are to be paid. How persons intitled to the mesne profits may recover against persons in possession. Trustees may make orders on the bank, &c. Trustees not answerable for monies so deposited. Mortgagees to assign, upon tender of principal, and six calendar months interest; or on six months notice. Tenants to quit, on notice given. Monies payable to bodies corporate, &c. to be invested in the purchase of other estates. In what manner houses, &c. may be purchased. Trustees may let or sell any overplus ground. The Greyhound inn and houses adjoining, not to be taken down during the remainder of the lease. Persons may advance money to the treasurer not exceeding 2000l. and not exceeding 1000 l. for the purchase of annuities. Treasurer to pay annuities quarterly, and to be allowed him in account. Books to be kept. Act 28 Geo. 2. Annuities under this act to be paid out of the surplus of the monies arising from the market, and out of the rate granted. Annuities not liable to taxes. On default of payment of the annuities, the surplus of the income of the market, &c. to vest in the annuitants. Contributors to have receipts for money paid. Annuities may be assigned. Trustees impowered to make a pound rate on all houses, &c. Rate to be allowed by two justices of the peace. Manner of recovery. Persons quitting their houses, &c. before paying the rate, and shall afterwards refuse payment, justices may grant warrants for distress of goods, &c. and, after five days, may sell the same for payment of said rate, and all arrears, &c. Trustees may sue in the name of their treasurer. Empty houses to be rated, and the rates to be paid by the proprietor, &c. Houses let under 10l. a year, or in separate apartments, or ready furnished, owners deemed occupiers. Occupiers to pay the rates; and may be deducted out of the rents. Landlords not to be charged for any increased rent on account of his paying the rate. Trustees impowered to borrow 7000l. on bonds of 100l. each, and the interest to be paid out of the rate. How interest and annuities may be recovered. How bonds shall be discharged. Limitation of monies to be raised by annuities. Expences of the act how to be paid. Proceedings to be entered in a book. Notice of meetings to be given. Penalties and forfeitures how to be recovered and applied. Form of conviction. Persons aggrieved may appeal to the quarter sessions. Distress not unlawful for want of form, nor removable by *Certiorari* into any other court. Writings to be without stamps. Limitation of Actions. General issue. Treble costs. Publick act. Schedule.

C A P. LXXVI.

An act for redeeming the sum of one million of the capital stocks of three pounds *per centum* annuities, in the manner and on the terms therein mentioned; and for establishing a lottery.

Preamble. Bodies politick, &c. who have signified their consent to the terms aforesaid to receive from the governor of the bank a certificate of the sums subscribed, &c. Treasury to apply a sum sufficient to discharge one moiety, which subscribers are to receive by July 5, 1774. Remaining moiety to be paid before Oct. 20, 1774. Bank to transmit an exact list of all persons intitled to the 3 *per cent.* annuities. Persons who have subscribed their names, &c. to have their interest till July 5, 1774. Payment of one quarter's annuity to be ordered by the treasury to be made to July 5, 1774. Annuities payable to stand redeemed; and after July 5, 1774. to cease. Persons forging certificates to be adjudged guilty of felony. Subscribers to receive at the rate of 4*l.* for every 100*l.* Cashiers to give securities to the commissioners of the treasury, for paying the monies into the exchequer. Treasury to apply the money to the services voted this session. 600,000*l.* to be divided into prizes; and paid into the bank out of the supplies granted this session. Managers and directors of the lottery to be appointed by the treasury. Method of the lottery books. Ticket. Managers to examine the books with the tickets, and deliver them after to the cashiers of the bank, taking a receipt for the same. Cashiers to return the books, with the undisposed tickets, with an account of the monies paid in. Undisposed tickets to be delivered into the exchequer. Tickets of the middle columns to be rolled up, and fastened with silk; and cut off indewtwise into a box marked with the letter (A). Box to be locked up, and sealed. Books to be prepared with two columns, on each of which 60,000 tickets to be printed. The number and value of the fortunate tickets. 1000*l.* to each of the three first drawn tickets, and 1000*l.* to the last drawn. Tickets of the outermost columns of the last-mentioned book to be rolled up and tied. Publick notice to be given of putting the tickets into the boxes. Lottery to begin drawing on 14 Nov. 1774. Method to be observed in drawing, &c. Number of the fortunate tickets, and the sums to be printed. Disputes to be adjusted by the managers. Penalty on forging tickets, &c. Felony. Offenders being out of prison discovering persons guilty, to be free and have 50*l.* reward. Proviso. Managers to be sworn. The oath. Cashier to receive the sums subscribed, before receiving the lottery book, and to give a note for the same; the bearers intitled thereupon to one lottery ticket for every 12*l.* 10*s.* 6*d.* paid. Contributors not making good their payments within the times limited, forfeit their deposits with respect to the lottery; and the tickets for such sums to be delivered back into the exchequer. Treasury to pay the managers, and defray the incidental expences. Limitation of the sale of chances, &c. Penalty. Office-keepers &c. selling shares in tickets of which they are not possessed, forfeit 500*l.* Offences committed in Ireland against acts for preventing unlawful lotteries, made punishable, and the penalties may be sued for in Dublin. The sum of 600,000*l.* payable in respect of the fortunate tickets, is charged upon the aids in general granted this session; managers to give notice of the time for taking in the tickets, and delivering out the certificates, &c. Certificates to be numbered. Books to be kept for entering the names of persons bringing tickets to be exchanged, &c. Certificates to be signed, &c. Treasurer to discharge all incident charges attending the execution of this act. No fee to be taken for receiving or paying the contribution-monies, or for issuing receipts of monies, on penalty of 20*l.* General issue. Treble costs.

C A P. LXXVII.

An act for the relief of insolvent debtors; and for the relief of bankrupts, in certain cases.

Preamble.

Alphabetical
lists to be made
out of prison-
ers in custody
for debt on
April 28. 1774,
or since that
date;

with the time
when charged,
and at whole
suit.

The same to
be delivered
to the quarter
sessions.

The warden of
the Fleet, and
and marshall
of the King's
Bench prison,
to take the fol-
lowing oath
on delivering
in their lists,

WHEREAS many persons, by losses and other misfortunes, are rendered incapable of paying their whole debts; and though they are willing to make the utmost satisfaction they can, and many of them are able to serve his Majesty by sea or land, yet are detained in prison by their creditors, or have been forced to go into foreign parts out of this realm: and whereas such unhappy debtors have always been deemed the proper objects of publick compassion, and, by several acts of parliament, have been discharged on the conditions in such acts mentioned; for the relief, therefore, of insolvent prisoners and fugitives, who shall comply with the terms contained in this act, to be respectively observed by them, and faithfully discover upon oath, and deliver up and assign, all their effects and estates whatsoever, for the benefit of their creditors, and to prevent, as far as possible, the many frauds and abuses, which, in a great measure, have obstructed the good ends of such acts; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, all and every gaoler or keeper of any prison, in any county, riding, division, city, town, place, or liberty, within this kingdom, shall, is, and are hereby required to make a true, exact, and perfect list, alphabetically, of the name or names of all and every person or persons, who, upon the twenty-eighth day of *April*, one thousand seven hundred and seventy-four, was or were, or at any time since, have been, and at the time of making out every such list shall be, really an actual prisoner or prisoners, in the custody of any gaoler, or gaolers, or keeper of any prison respectively, upon any process whatsoever, for or by reason of any debt, damage, costs, sum or sums of money, contempt, or otherwise, and an account of the time when such prisoner or prisoners was or were respectively charged in custody, or received in prison, together with the name or names of the person or persons at whole suit or prosecution such prisoner or prisoners is or are detained; and shall deliver the same to the justices of the peace, at their first or second general quarter sessions of the peace, to be held after the passing of this act, or at some adjournment thereof, for such county, riding, division, city, town, place, or liberty respectively.

II. And be it further enacted, That the warden of his Majesty's prison of the *Fleet*, and marshall of the *King's Bench Prison*, shall severally, on the delivering in of any such list of prisoners in their respective custody, take an oath, in the open court of such general quarter session of the peace, or at some adjournment thereof, to the effect following; (that is to say:)

I. A. B.

I A. B. upon my corporal oath, in the presence of Almighty God, do solemnly swear, profess, and declare, That all and every person and persons, whose name or names is or are inserted and contained in the first part of the list by me now delivered in and subscribed, was and were to the best of my knowledge and belief, upon the twenty-eighth day of April, one thousand seven hundred and seventy-four, really and truly prisoners, in actual custody, in the prison or gaol of (insert the name of the prison), at the suit or suits of the several person or persons therein respectively mentioned; and also, that all and every person and persons, whose name or names is or are inserted or contained in the second part of the said list, now by me delivered in and subscribed as aforesaid, have, since the said twenty-eighth day of April, one thousand seven hundred and seventy-four, been committed or surrendered to the said gaol or prison of (insert the name of the gaol or prison), at the suit or suits of the several person or persons therein respectively mentioned; except such person or persons who is or are in such list particularly mentioned and described to have died, been discharged, or removed to some other prison, by process of law, since the said twenty-eighth day of April, one thousand seven hundred and seventy-four; and also except such person or persons who is or are in such list particularly mentioned and described to have been permitted to have gone out of the said prison, by day rules of the court of (common pleas, or king's bench, as the case shall be), since the said twenty-eighth day of April, one thousand seven hundred and seventy-four, to transact their affairs; and also except such person or persons who is or are therein also particularly mentioned and described to have, upon the said twenty-eighth day of April, one thousand seven hundred and seventy-four, or since, been in the rules of the said prison (of the fleet, or king's bench, as the case shall be), by leave of the (warden, or marshal of the said prison, as the case shall be); and have, to the best of my knowledge and belief, really and truly, ever since, continued and remained in actual custody in the said prison, (of the fleet or king's bench, as the case shall be), or the liberties thereof, at the suit or suits of the several persons in the said list respectively mentioned; (and if any prisoner or prisoners hath or have, since the said twenty-eighth day of April, one thousand seven hundred and seventy-four, escaped out of either of the said prisons, then insert), except (insert the name or names of the prisoner or prisoners who have escaped), who, without my knowledge, privity, or consent, hath or have escaped out of the said prison of

and that the said list is a true, exact, perfect and just list of all such persons who were really and truly prisoners in actual custody in the said gaol or prison of _____ on the said twenty-eighth day of April, one thousand seven hundred and seventy-four, and who since the said twenty-eighth day of April, one thousand seven hundred and seventy-four, have been committed to, and really have been, and now is or are, prisoner or prisoners, in actual custody, in the said gaol or prison of _____ or the liberties thereof; and that none of such prisoners, to my knowledge, or with my privity, have voluntarily, or with design, or in expectation to take any benefit from or under any act of parliament, to be made for relief of insolvent debtors, sur-

rendered themselves, or been committed to the said prison, or got their names entered as prisoners in the books of the said prison, or since the said twenty-eighth day of April, one thousand seven hundred and seventy-four, to my knowledge, or with my privity, have resided out of the said prison of *or the rules thereof,*
 (but if any have so done, add, *except* *naming*
such by name)

Other gaolers,
 on delivering
 in their lists
 to take the
 following oath.

And that every other gaoler and keeper of any other prison or prisons, in any county, city, town, riding, division, place, or liberty, shall severally, on the delivering of any such list respectively, take an oath, in the open court of the general quarter sessions of the county, city, town, division, liberty, or place, for which he or she shall deliver in any such list, and swear to the effect following; (that is to say):

I A. B. upon my corporal oath, in the presence of Almighty God, do solemnly swear, profess, and declare, That all and every person and persons, whose name or names are inserted or contained in the first part of the list by me now delivered in and subscribed, was and were, to the best of my knowledge and belief, upon the twenty-eighth day of April, one thousand seven hundred and seventy-four, really and truly prisoners in actual custody, in the prison or gaol of

at the suit or suits of the several persons therein respectively mentioned, and also that all and every person and persons, whose name or names is or are inserted or contained in the second part of the said list now by me delivered in, and subscribed, as aforesaid, have, since the said twenty-eighth day of April, one thousand seven hundred and seventy-four, been committed or surrendered to the said gaol or prison of

(if any such prisoner or prisoners hath or have, since the said twenty-eighth day of April, one thousand seven hundred and seventy-four, been committed or surrendered to such gaol or prison), at the suit or suits of the several person or persons therein respectively mentioned, except (if any exception is necessary) such persons as are therein particularly mentioned and described to have died, been discharged, or removed to some other prison by process of law, or to have escaped out of such prison, without my privity, knowledge, or consent, since the said twenty-eighth day of April, one thousand seven hundred and seventy-four; and that all and every of them, whose name and names is and are contained in the first part of the said list, (except as before excepted), to the best of my knowledge and belief, have really and truly continued in actual custody in the said gaol or prison of

ever since the said twenty-eighth day of April, one thousand seven hundred and seventy-four; and that the said list is a true, exact, perfect, and just list of all such persons as were really and truly prisoners in actual custody in the said gaol or prison of

on the said twenty-eighth day of April, one thousand seven hundred and seventy-four, and who, since the said twenty-eighth day of April, one thousand seven hundred and seventy-four, have been really and truly committed, or surrendered to the said gaol,

or prison of (except as before excepted), *to the best of my knowledge and belief; and that none of such prisoners, to my knowledge, or with my privity, have voluntarily, or with design, or in expectation, to take any benefit, from or under any act of parliament to be made for relief of insolvent debtors, surrendered or been committed to the said prison of* or got his, her, or their name or names entered as prisoner or prisoners in the books of the said prison, or, since their committment, have, to my knowledge, or with my privity, resided out of the said prison of
 [if any have so done, then add,
 except inserting their names].

Which said respective oaths the said justices, at the first or second general quarter session aforesaid, or at some adjournment thereof, within their respective jurisdictions, are hereby empowered and required to administer in open court; and the words of the said oath herein-before directed to be taken by the said warden and marshal respectively, shall be entered or written at the end or bottom of the list which shall be delivered in by them respectively, and shall be subscribed and sworn to by them respectively, in open court; and the words of the oath, to be taken by every other gaoler or keeper respectively, shall be entered or written at the end or bottom of the list which shall be delivered by them respectively, and shall be subscribed and sworn to by them respectively, in open court: and every such list which shall be so delivered in, subscribed, and sworn to, in pursuance of this act, shall be kept by the clerk of the peace, town clerk, or other officer acting as clerk of the peace of every such county, riding, division, city, town, place, or liberty respectively, in which any such list as aforesaid shall be sworn to, for the better satisfaction of the said justices, and information of all or any prisoner or prisoners therein named; and so as the same may, from time to time, be seen and examined by any creditor or creditors of prisoner or prisoners, without fee or reward.

The oath to be administered by the justices in court,

and entered and subscribed at the bottom of each list.

List to be kept by the clerk of the peace.

III. And be it further enacted by the authority aforesaid, That all and every gaoler and gaolers, and keeper of any gaol or prison, is and are hereby required, ten days at least before the first or second general quarter sessions of the peace shall be held, after the passing of this act, for the county, riding, division, city, town, place, or liberty, in which any gaol or prison shall be, or to which the same belong, to fix up, in some conspicuous place or places in every such prison, and at the most frequented and usual gate, door, or entrance, into every such prison, three or more true copies of the list or lists proposed or intended to be delivered in by any such gaoler or keeper at the said general or quarter sessions, or at some adjournment thereof.

Copies of the lists to be delivered in to be fixed up in the prisons, and on the gates thereof.

IV. And be it further enacted, That all and every person and persons, whose name or names shall be inserted in any such list to be delivered in as aforesaid, who, upon the said twenty-eighth day of April, one thousand seven hundred and seven-

Persons inserted in the lists being prisoners, without a fraudu-

lent intention,
on April 28,
1774,

conforming to
the regulations
of this act,
shall be dis-
charged.

Prisoners in
custody at the
time of passing
this act, who
were arrested
for debt on or
before April
28, 1774, and
held to bail,
and surrendered
on or before
May 16, 1774,
on conforming
to the regula-
tions of this
act shall be
discharged.

Justices, upon
the petition of
the prisoner,
and his deli-
vering a sche-
dule of his
estate,

are to issue
their warrant
for bringing
the prisoner to
the quarter
sessions, &c.

ty-four, were really and truly prisoners in the actual custody of any gaoler or gaolers, or keeper of any prison respectively of this kingdom, and did not come into, or get his, her, or their names entered in the book of any gaol or prison as a prisoner or prisoners there, with a view or design to take the benefit of some act for relief of insolvent debtors, and who shall take the oath herein-after mentioned, and shall perform, on his or her part, what is required to be done by him or her by this act, shall be forever released and discharged from his or her imprisonment, in such manner as hereafter is provided.

V. Provided always, and be it enacted by the authority afore-said, That any prisoner or prisoners who shall be in actual custody at the time of passing this act, and was or were, on or before the said twenty-eighth day of *April*, one thousand seven hundred and seventy-four, arrested, and in actual custody of an officer, for any sum or sums of money, by virtue of any writ or process issuing out of any court of record, and held to bail thereon, and did, on or before the sixteenth day of *May*, one thousand seven hundred and seventy-four, surrender him, her, or themselves, or was or were surrendered in discharge of his, her, or their bail, and thereupon committed to prison, and has or have continued therein, until the passing of this act, by virtue of such commitment; every such prisoner or prisoners shall, upon due proof of the premises upon oath, be discharged from such debt or demand, in like manner as if such prisoner or prisoners had been actually in prison upon the said twenty-eighth day of *April*, one thousand seven hundred and seventy-four, and continued therein as aforesaid; subject nevertheless to the same restrictions and provisions, and a compliance with the like terms, conditions, and qualifications, herein-before imposed upon prisoners actually in custody upon the said twenty-eighth day of *April*, one thousand seven hundred and seventy-four; and also subject to the same terms and provisions relating to the estate and effects of every such prisoner as aforesaid.

VI. And be it further enacted, That it shall be lawful for any justice or justices of the peace of any county, riding, division, city, town, place, or liberty, within this kingdom, upon the petition of any such prisoner or prisoners to any justice or justices of the peace, within his or their respective jurisdictions, upon every such prisoner or prisoners so petitioning, and, at the time of his or her so petitioning, leaving with the justice or justices of the peace who shall be so petitioned a true copy of the schedule, containing his or her intended discovery of his or her real and personal estate, to be sworn to at the first or second general quarter session, next ensuing after every such petition, or some adjournment thereof, by warrant under his hand and seal, or their hands and seals, to require the sheriff or sheriffs, gaoler or gaolers, or keeper of any such prison, within the jurisdiction of any such justice or justices, to bring before the justices, at the first or second next general quarter session of the peace, or any adjournment thereof, to be held, as the case shall happen to be, next

after

after the expiration of ten days from the date of such warrant for such respective county, riding, division, city, town, place, or liberty, the body of any person being in the said prison as aforesaid, with the warrant or warrants of his or her detainer, together with a copy or copies of the cause or causes which he, she, or they, is or are charged with in any such gaol or prison as aforesaid, at the time aforesaid; which warrant of every such justice or justices every such sheriff and sheriffs, gaoler, or keeper, is and are hereby commanded to obey.

with the warrant of detainer and copy of the writ, &c. Gaoler, &c. to obey such warrant.

VII. And be it also enacted, That the copy of every schedule which shall be left with any such justice or justices, shall, within ten days after the same shall be so left, be transmitted by the justice or justices, with whom the same shall be so left, to the clerk of the peace, town clerk, or other officer, acting as clerk of the peace for the county, riding, division, city, town, place, or liberty, in which the same shall have been so left, there to remain and be inspected, from time to time, as occasion shall require, by any creditor of any such prisoner who shall desire to inspect the same.

Schedule of the prisoner's estate to be transmitted to the clerk of the peace, for inspection of the creditors.

VIII. And be it also enacted, That every such justice or justices who shall refuse or omit, for the space of six days, to transmit the copy of the schedule, so left with him as aforesaid, to the clerk of the peace, town clerk, or other officer acting as clerk of the peace for the county, riding, division, city, town, place, or liberty, in which the same shall have been so left, shall, for every such offence, forfeit and pay the sum of ten pounds; which shall and may be sued for and recovered in any of his Majesty's courts of record at *Westminster*, by action of debt, together with costs of suit, in the name of any person who shall prosecute for the same; and one moiety of which money forfeited shall, when recovered, go to the party who prosecutes for the same, and the other moiety thereof to the poor of the parish in which the offence shall be committed.

Justices refusing or omitting for ten days to transmit a copy of the schedule to the clerk of the peace, shall forfeit 10l.

IX. And be it further enacted, That all and every prisoner and prisoners, who shall intend to petition to be discharged under this act, as aforesaid, shall first cause public notice to be inserted in three several *London Gazettes*, previous to such general quarter session, and the adjournment thereof, at which the said prisoner or prisoners shall apply to be discharged from any gaol in *London*, or within the weekly bills of mortality; and if such prisoner shall be in custody in any gaol out of *London*, or the weekly bills of mortality, then also in some newspaper, which shall be published in or near the county, riding, division, city, town, liberty, or place, in the gaol whereof he or she shall be so in custody; containing the name, trade, and occupation, and two last places of abode, if so many, of every such prisoner and prisoners, and the prison wherein he, she, or they, is or are confined, and of his, her, or their intention to take the benefit of this act; and mentioning such notice in each *Gazette* or newspaper, to be the first, second, or third notice, according to the time of publishing each of such notices; and for the inserting each of which said

Prisoners intending to petition for their discharge, are to give previous notice thereof thrice in the *Gazette*, &c.

Contents of the notice.

2d. each time and no more,

to be paid for inserting notices.

First notice to be inserted 30 days, and the last 10 days before the quarter sessions, &c.

Prisoner being brought into court, due publication of the notices required being proved, &c.

is to deliver in a schedule of his estate, debts, and creditors.

Prisoner's oath on delivering in the said schedule.

several notices in the said *Gazette*, or in any other newspaper, there shall be paid, each time, by every such prisoner, two-pence, and no more: the first of which said notices shall be so inserted in the said *Gazette*, or in the said other newspapers, as the case may require, thirty days at least, and the last of the said notices ten days at least, before any such first or second general quarter session, and adjournment thereof, shall be held as aforesaid; so that as well all the creditors who have not charged the said prisoner or prisoners in custody as those creditors who have charged such prisoner or prisoners in execution, or on mesne process, or otherwise, may have sufficient notice thereof.

X. And be it further enacted, That every such prisoner as aforesaid, who, in pursuance of any such warrant as aforesaid, shall be brought to the general quarter session, or any adjournment thereof, shall, in case it shall be proved upon oath, or by producing the said three *Gazettes* and newspapers before mentioned to the said justices, at any such session, or the adjournment thereof, that such notices were inserted in the *London Gazette*, and other newspapers, were required, in manner as herein-before is directed, and that the person or persons so petitioning was or were actually a prisoner or prisoners on the said twenty-eighth day of *April*, one thousand seven hundred and seventy-four, or since, in the gaol or prison in which his, her, or their name or names is or are specified in the list of prisoners there, delivered in at any such first or second session, or any adjournment thereof, as aforesaid, in pursuance of this act, shall, in open court, at the said general quarter session, or any adjournment thereof, subscribe and deliver in a true schedule or account of all his or her real estate, either in possession, reversion, remainder, or expectancy; and also of the whole of his or her personal estate, which he or she, or any person or persons in trust for him or her, or for his or her use, benefit, or advantage, is or are seized of, interested in, or intitled to, or was or were in his or her possession, at any time since his or her commitment to prison, with the names of his or her several debtors, and where they respectively live, or may be met with; and the several sums of money from them respectively owing, and how the same respectively became due, and are secured; and if by mortgage, specialty, contract, note, or other writing, then the name and names, and places of abode of the several witnesses who can prove such debts or contracts, (if there be any such,) and shall also make oath and swear to the effect following; (that is to say,)

I A. B. upon my corporal oath, in the presence of Almighty God, do solemnly swear, protest, and declare, That on the twenty-eighth day of April, one thousand seven hundred and seventy four, I was a prisoner, or else, [as the case may be,] that since the said twenty-eighth day of April, one thousand seven hundred and seventy-four, I have surrendered, or have been committed to the prison of in discharge of my bail, or for want of bail, [as the case shall be,] and that I was actually arrested, and in custody of an officer, before the

the said twenty-eighth day of April, one thousand seven hundred and seventy-four, in the action or suit, actions or suits, in which I surrendered, or was committed as aforesaid, to the said gaol or prison of and that I have, ever since my said surrender or commitment, continued a prisoner within the prison of in the actual custody of the gaoler or keeper of the said prison of or within the liberties thereof, at the suit of and without any fraud or collusion whatsoever; and that the schedule now delivered by me, and subscribed, doth contain, to the best of my knowledge, remembrance, and belief, a full, just, true, and perfect account and discovery of all the goods, effects, and estates, real and personal, either in possession, reversion, remainder, or expectancy, which I, or any person in trust for me, or for my benefit or advantage, am seised or possessed of, interested in, or intitled to, or was or were in my possession at any time, since my commitment to prison; and of all debts as are to me owing, or to any person or persons in trust for me; and of all the securities and contracts whereby any money now is, or will or may hereafter become payable, or any benefit or advantage may accrue to me, or to my use, or to any person or persons in trust for me; and the names and places of abode of the several persons from whom such debts are due and owing; and of the witnesses that can prove such debts or contracts, [if any such there be;] and that neither I, nor any other person or persons in trust for my use, have any lands, money, stock, or any estate, real or personal, in possession, reversion, or remainder, or expectancy, other than what are in the said schedule contained, except wearing apparel, and bedding for myself and family, working tools, and necessary implements for my occupation and calling, together with a sum of money not exceeding forty shillings, and these in the whole not exceeding the value of twenty pounds; and that I have not, nor any body for me hath, directly or indirectly, sold, lessened, or otherwise conveyed, disposed of in trust, or concealed, all or any part of my lands, money, goods, chattels, stock, debts, securities, contracts, or estate, real or personal, whereby to secure the same, or to receive or expect any profit or advantage thereof, or with intent to defraud or deceive any creditor or creditors, to whom I am or was indebted in any-wise howsoever.

So help me G O D.

And the said schedule and oath shall be, by every such prisoner subscribed in the presence of the justices in open session of the peace, as hereby is directed, and shall be kept by, and remain with, the clerk of the peace, town clerk, or other officer acting as clerk of the peace, for the county, city, liberty, division, town, or place, where the same shall be subscribed and taken, for the better information of all the creditors of such prisoner who shall desire, or may have occasion, to resort thereto; and every such creditor shall be at liberty, at seasonable times in the day-time, to peruse and examine the same.

XI. And be it further enacted, That the justices within their respective jurisdictions, at any such general quarter session, or adjournment thereof, at the request or any creditor or creditors Court, if required by the creditor, may administer an oath to the

gaoler, or any other person, touching any of the matters prescribed to be sworn to.

The prisoner's oath not being disapproved, the court is to discharge him,

upon paying a fee of 1 s. to the gaoler.

Gaoler indemnified for the escape.

Estate and effects of the prisoner, upon his discharge to vest in the clerk of the peace,

who is to make over the same to the assignees named by the court;

of any such prisoner, are hereby authorised to cause the deputy warden and marshall of the *Fleet* and *King's Bench* prison, and any other under officer, tipstaff, and turnkey, of any gaol or prison, and any other person, to come before them, and to examine them respectively on oath, touching any of the matters contained in any of the oaths prescribed by this act to be taken, and the truth thereof; and if the oath which shall have been taken in open court by any prisoner or prisoners shall not be disapproved by good testimony of any credible person or persons on oath, and such justices, or the major part of them, present at any such general quarter session, shall be satisfied with the truth of the oath taken by any such respective prisoner, then such justices shall, in such session, or some adjournment thereof, command the said sheriff or sheriffs, gaoler or gaolers, or keeper of such prison or prisons, forthwith to set at liberty such prisoner or prisoners, without having or taking any fee or reward, other than one shilling for his or their attendance with every such prisoner at such general quarter session, or any adjournment thereof, in order for his, her, or their discharge; (and which every such sheriff or sheriffs, gaoler or gaolers, keeper or keepers, of such prison or prisons, is and are hereby authorised to receive and take for every such order:) and every such order shall be a sufficient discharge to the sheriff or sheriffs, gaoler or gaolers, or keeper of such prison or prisons, and shall indemnify him or them against any escape or escapes, or action or actions whatsoever for escape, which shall or may be brought, commenced, or prosecuted against him or them.

XII. And be it further enacted by the authority aforesaid, That all the estate, right, title, interest, and trust, of such prisoner, of, in, and unto, all the real estate, as well freehold and copy as customary-hold, and to all the personal estate, debts, and effects, of every such prisoner, shall, immediately after the discharge of any such prisoner, be, and the same is hereby vested in the clerk of the peace, town clerk, or other officer, acting as clerk of the peace, of and for the county, riding, city, town corporate, division, liberty, or place, where any such prisoner shall be respectively discharged; and every such clerk of the peace, town clerk, or other officer acting as clerk of the peace, is hereby directed and required to make an assignment and conveyance of every such prisoner's estate and effects, vested in such clerk of the peace, town clerk, or other officer acting as clerk of the peace, as aforesaid, to such creditor or creditors of the said prisoner, as the justices at any general quarter session of the peace, or at any adjournment thereof, which shall be held by them within their respective jurisdictions, shall order and direct, (which assignment and conveyance shall be good and effectual in law to all intents and purposes whatsoever, without being wrote on parchment or paper stamped;) and to vest the estates thereby assigned and conveyed in the party or parties to whom the same shall be so assigned and conveyed, his, her, and their heirs, executors, administrators, and assigns, according to the estate and interest the pri-

prisoner had therein; and for the preparing, ingrossing, and for which he
 executing of which assignment and conveyance, no clerk of the is to be paid
 peace, town clerk or other officer acting as clerk of the peace, 2s. and no
 shall take any greater fee than two shillings; and every such more.
 assignment and conveyance shall be in trust for the benefit of the
 creditor or creditors of every such prisoner to whom the same
 shall be made, and the rest of the creditors of such prisoner, in
 respect or in proportion to their respective debts; and every Assignees im-
 person or persons to whom any such assignment and con- powered to
 veyance as aforesaid shall be made, is and are hereby fully sue,
 empowered to sue, from time to time, as there may be occasion, in
 his, her, or their own name or names, for the recovery and at-
 taining any estate or effects of any such prisoner, and also to exe- and execute
 cute any trust or power vested in, or created for, the use or bene- any trust or
 fit of any such prisoner, but in trust for the benefit of him or power in the
 themselves, and the rest of the creditors of every such prisoner; half; prisoner's be-
 and to give discharge and discharges to any debtor or debtors of, and give dis-
 any such prisoner, as shall be requisite: and every such assignee or, charges:
 assignees shall, with all convenient speed, after his or their ac- They are also
 cepting any such assignment or conveyance, use his and their best to get in with
 endeavours to receive and get in the estate and effects of every all speed the
 such prisoner; and shall, with all convenient speed, make sale estate and ef-
 of all the estates of such prisoner vested in such assignee or as- fects of the
 signees; and if any such prisoner shall be interested in, or intitled to, any real estate, either in possession, reversion, or expect- prisoner,
 ancy, the same, within the space of two months after every such and make sale,
 assignment and conveyance, shall be sold by public action, in within two
 such manner, and at such place as the major part of the creditors months, of
 of any such prisoner who shall assemble together on any notice prisoner's real
 in writing published in the *London Gazette*, or in some daily pa- estate, in man-
 per, if the prisoner before his going to gaol resided in *London*, or ner agreed
 in the weekly bills of mortality, and if elsewhere, then in some upon at a
 newspaper which shall be published in or near the county, rid- meeting of the
 ing, division, city, town, liberty, or place, in which such prisoner creditors sum-
 dwelt before he or she was committed to gaol, thirty days before moned for that
 any such sale shall be made, shall, under his hand, or their hands, purpose;
 agree on: and every such assignee or assignees, at the end of and make a
 three months at farthest from the time of his or their accepting dividend with-
 any such assignment or conveyance as aforesaid, shall make a just in three
 and fair dividend of all such prisoner's estates and effects, which months;
 shall have been then amongst his or her creditors, in propor-
 tion and in regard to each creditor's respective debts; but before
 any such dividend shall be made, such assignee or assignees shall first making
 make up an account of such prisoner's estate, and make oath in up their ac-
 writing, before one or more justice or justices of the peace of the counts, and
 county, riding, division, town, liberty, or place, in which any verifying the
 such prisoner shall have been discharged, that every such account same upon
 contains a just and fair account of the estate and effects of every oath.
 such prisoner got in by or for such assignee or assignees, and of
 all payments made in respect thereof, and that all payments in
 every such account charged were truly and *bona fide* made and
 paid;

30 days notice paid; and notice of the making of every such dividend shall be to be given of published in like manner as a meeting of creditors is herein-before directed to be published, thirty days at least before the same making any dividends; shall be made; and no creditor shall be allowed to receive any and none to share of such dividend, until he shall have made out the justness receive any share thereof but such as shall prove their debts. and identity of his respective debt by oath, or due proof in writing, before some such justice or justices: and if any creditor of such Debts entered prisoner shall be dissatisfied with the reality or fairness of any debt to be examined into and determined by the justices of the county, riding, division, city, liberty, or place, in which such prisoner shall have been discharged, at their next general quarter session, and what they shall there determine in the Surplus of the prisoner's estate, after satisfying all claims thereon, to go to the prisoner. effects remain after payment of all reasonable charges, the same shall be paid to such prisoner, his executors or administrators.

No suit in equity to be commenced, but by consent of the majority in value of the creditors.

Clerk of the peace to exhibit to the creditor, or his attorney, upon payment of is. the schedule of the prisoner's estate and effects.

XIII. Provided further, and be it also enacted, That no suit in equity shall be commenced by any assignee or assignees of any such prisoner's estate and effects, without the consent of the major part in value of the creditors of such prisoner, who shall meet together pursuant to a notice to be given in the *London Gazette* for that purpose.

XIV. And be it further enacted by the authority aforesaid, That the clerk of the peace, town clerk, or other officer acting as clerk of the peace of every respective county, city, and county town, and county riding, division, cinque port, liberty, and place, with whom any schedules of the estates of any insolvent debtor or debtors, fugitive or fugitives, shall be left, and his successors, clerk of the peace, town clerk, or other officer, acting as clerk of the peace as aforesaid, shall, on the reasonable request of any creditor or creditors of such insolvent debtor or debtors, fugitive or fugitives, or his or their attorney, produce and shew to such creditor or creditors, or his or their attorney, in the day-time, the schedule of the estates of any such insolvent debtor or debtors, fugitive or fugitives, which shall be left with any such clerk of the peace, town clerk, or other officer acting as clerk of the peace, or his predecessor in that office; the person so requiring to see and peruse any such schedule paying or tendering to the clerk of the peace, town clerk, or other officer acting as clerk of the peace, in whose custody any such schedule shall be, or his deputy, the sum of one shilling for his trouble in searching for, and looking out, such schedule, and attending whilst the same be perused by the party or parties requiring to have the same looked out, and to peruse the same: and that a true copy of every such schedule, signed by the clerk of the peace, town clerk, or other officer acting as clerk of the peace, in whose custody the same shall be, or his deputy, purporting the same to be a true copy of such schedule, without being wrote on stamped paper, (and for which copy no more shall be paid than sixpence by the sheet, each sheet to contain seventy-two words, and so in proportion for

Attested copy thereof to be granted,

a less number of words in any sheet,) shall, at all times, be admitted, in all courts whatsoever, as legal evidence of the same: and if any clerk of the peace, or his deputy, town clerk, or other officer acting as clerk of the peace, shall, on reasonable request as aforesaid, neglect or refuse to produce to any such creditor or creditors as aforesaid, or his or their attorney, any such schedule as aforesaid, and to permit the same to be inspected as aforesaid, in the day-time, on such payment or tender as aforesaid being made to him; or shall ask or take more than after the rate of sixpence by the sheet, each sheet to contain seventy-two words, and so in proportion for less than seventy-two words in a sheet; or shall refuse to make and deliver a copy of any such schedule, on being requested as aforesaid so to make the same, and having the money tendered to him for payment of such copy, after the rate aforesaid; shall, for every such offence, forfeit and pay the sum of ten pounds; which shall and may be sued for and recovered in any of his Majesty's courts of record at *Westminster*, by action of debt, together with treble costs of suit, in the name of any person who shall prosecute for the same: and one moiety of which money forfeited shall, when recovered, go to the party who prosecutes for the same, and the other moiety thereof to the poor of the parish in which the offence shall be committed.

which shall be evidence in all courts.

Clerk of the peace refusing to produce such schedule, or to deliver a copy thereof, or taking exorbitant fees for the same,

forfeits 10l. and treble costs;

one moiety to the prosecutor, and the other to the poor of the parish.

XV. Provided always, and be it enacted, That before such time as any assignee or assignees as aforesaid shall enter on, or take any profit from, any copyhold or customary estate as aforesaid, he or they shall agree and compound with the lord or lords of the manor or manors of whom the same shall be holden, for the payment of such fine or income as, upon any surrender and admission thereto, hath heretofore been most usually accustomed to be paid; and that upon every such agreement or composition, the said lord or lords for the time being, at the next court, or some subsequent court, which shall be holden for the said manor or manors, after such agreement made, shall admit such assignee or assignees tenant to such copyhold or customary premises, according to the custom of the said manor or manors of which the same shall be holden, for and during such estate and interest as the prisoner had therein at the time of his or her being discharged as aforesaid, reserving the rents, duties, heriots, customs, and services, payable and to be rendered in respect of the said copyhold or customary premises.

Assignees of copyhold and customary estates to compound with the lord of the manor,

and to be admitted tenants thereupon.

XVI. Provided also, That nothing herein contained shall extend to prejudice or affect any estate or interest, or right whatsoever, of any other person or persons, other than the said prisoner or fugitive which may be expectant upon or subject unto the estate or interest of the said prisoner or fugitive hereby vested in the said clerk of the peace, town clerk, or other officer acting as clerk of the peace; but that the estate, interest, and right whatsoever, of every other person and persons, shall remain, continue, and be saved to them, in the same manner as if this act had not been made.

The prisoner's right and interest, &c. only to be affected by this act.

XVII. Provided also, and be it enacted by the authority aforesaid, That nothing in this act shall extend, or be construed to hinder or prevent, any mortgage or mortgages upon the estate of

All mortgages, statutes, &c. are to take place preferable to claims of an inferior nature.

such

such prisoner or prisoners, or any part thereof, to take place upon the lands, tenements, or hereditaments, comprised in such mortgage or mortgages respectively; nor to prevent any statute-staple, statute-merchant, recognizance, or judgment, acknowledged by or obtained against any such prisoner or prisoners, to take place upon the lands, tenements, or real estate of such prisoner or prisoners; and also where any inquisition shall have been taken upon any such statute or recognizance, or any writ or execution shall have been taken out and delivered to the sheriff or proper officer, upon any such judgement, before such discharge shall be given in open session to any such person as aforesaid, the personal estate of every such prisoner respectively shall be subject thereto, in the first place, for so much as shall remain due upon such mortgage, statute, recognizance, or judgment respectively, in like manner as such mortgagees and creditors, by statute, recognizance, or judgment, would have been preferred to other creditors of an inferior nature, against the real or personal estate of such prisoner and prisoners respectively, if this act had not been made; any thing herein-before contained to the contrary thereof in any-wise notwithstanding.

XVIII. *And whereas many persons who may be intitled to, and claim the benefit of, this act, are seized and possessed of lands, tenements, and hereditaments, to hold to such prisoners for the term of their natural lives, with power of granting leases, and taking fines, reserving small rents on such estates, for one, two, or three lives, in possession or reversion, or for some number of years determinable upon lives, which said powers ought to be executed for the benefit of the creditors of such prisoners; be it therefore enacted by the authority aforesaid, That in every such case, all and every the powers of leasing such lands, tenements, and hereditaments, which are or shall be vested in any such prisoner or prisoners, as aforesaid, shall be, and are hereby vested in the assignee or assignees of the real and personal estate of such prisoner, by virtue of this act, to be by such assignee or assignees executed for the benefit of all and every the creditors of such prisoners as aforesaid.*

Power in the prisoner of leasing lands, &c. to vest in the assignees.

XIX. *And whereas, in some gaols or prisons in this kingdom, the office of gaoler or keeper is held in fee for life, or otherwise, by persons who never act as gaolers or keepers themselves, or know any thing of the prisoners therein, but depute or employ some person or persons under them as gaolers or keepers of such gaols or prisons; be it therefore enacted, That, in every such case, the person who shall have been actually employed, and acted as deputed gaoler or keeper of any such gaol or prison, at the time of delivering in the lists, hereby directed to be delivered in, of prisoners in any such gaol or prison at any general quarter session of the peace, or some adjournment thereof, and not the principal-gaoler or keeper, (unless where such principal gaoler or keeper shall act as gaoler or keeper himself,) shall take the oath herein-before appointed to be taken by the gaoler or keeper of every such gaol or prison.*

The acting gaoler at the time of delivering the lists, only liable to be sworn.

Court, if required by a creditor op-

XX. And be it further enacted by the authority aforesaid, That the justices, at any general quarter session of the peace, or adjourn-

jourment thereof, to which any prisoner shall be brought in pursuance of this act, shall, if required by any creditor or creditors of any such prisoner or prisoners, who shall oppose his or her discharge, administer, and give to the gaoler, or the person who acts as gaoler or keeper of any such prison, at the time of bringing up any such prisoner, in order to be discharged under this act, an oath to the following effect; (that is to say,)

I A. B. do swear, That *a prisoner in my custody, in the prison of to the best of my knowledge and belief, at or upon the twenty-eighth day of April, one thousand seven hundred and seventy-four; and that the copy or copies of the cause or causes of his or her commitment or detainer, now by me brought with the body of the said and produced to this court, is or are a true copy or copies of the cause or causes of such detainer or commitment, without any fraud or deceit by me or any other person whatsoever, to the best of my knowledge and belief.* was really and truly The oath.

So help me GOD.

And if any person who was gaoler or keeper, or deputed gaoler or keeper, of any such gaol or prison on the said twenty-eighth day of April, one thousand seven hundred and seventy-four, or since, shall not happen to be the gaoler or keeper, or deputed gaoler or keeper, of any such gaol or prison, at the time any such list as aforesaid is hereby required to be delivered in, then the justices, at any such session, or at any adjournment thereof, may and are hereby required to administer, and give to the respective person or persons who shall be gaoler or keeper, or deputed gaoler or keeper, of any such gaol or prison, and deliver in any such list as aforesaid, at any such general or quarter session, or any adjournment thereof, an oath, touching the commitments, or books of commitment of any such prison, to the effect following; (that is to say,)

I A. B. do swear, That *I have examined the commitments or books kept of or concerning the commitment of prisoners to the prison of in the [county, riding, division, city, town, place, or liberty of as the case shall be:] and that I do verily believe that the said commitments, or books of commitment, are really true and not fictitious, nor calculated for this purpose; and by them it doth appear, that was on the twenty-eighth day of April, one thousand seven hundred and seventy-four, really and truly a prisoner in the actual custody of the then gaoler or keeper, or deputed gaoler or keeper, of the said prison, without fraud or deceit by me, or any other person or persons to my knowledge and belief.* The oath.

So help me GOD.

XXI. And, in order to discover any fraudulent entries or commitments

Court, if required by a creditor, may summon the person who acted as gaoler on April 28, 1774, or since,

and examine him touching the commitment and continuance in custody of the prisoner.

Gaoler disobeying the warrant or order of the court, &c. forfeits 100l with treble costs.

ments of prisoners in any gaol books, be it further enacted by the authority aforesaid, That the justices, at any general quarter session of the peace, or any adjournment thereof, are hereby authorised, at the request of any creditor or creditors of any prisoner, to convene before them, at some certain time to be appointed by them, any person or persons who was or were gaoler or keeper, or deputed gaoler or keeper, of any gaol or prison within their respective jurisdictions, on the said twenty-eighth day of *April*, one thousand seven hundred and seventy-four, or at any time since; and to examine every such gaoler or keeper, or deputed gaoler or keeper, on oath, touching the commitment and continuance in custody of any such prisoner, as the justices, at any such general or quarter session, or adjournment thereof, shall think fit: and if any sheriff, gaoler or keeper, or deputed gaoler or keeper, shall neglect or refuse to bring before such justices, at any session of the peace, or adjournment thereof, any prisoner, as shall be directed and required by warrant of any justice or justices as aforesaid, or to attend on being summoned for that purpose; or if any gaoler or keeper attending shall refuse to make answer and discovery in the premises, as shall be reasonably required at such general or quarter session, or any adjournment thereof, he, she, or they, so offending in the premises, shall, for every such offence, forfeit and pay the sum of one hundred pounds; to be recovered by, and in the name, and for the use of, the party injured, by action of debt, to be brought in his or her name, in any of his Majesty's courts of record at *Westminster*, together with treble costs of suit.

XXII. *And whereas a great number of workmen, skilful in the several trades and manufactures of this kingdom, and also many able seamen and mariners, finding themselves unable to satisfy the whole of their respective debts, and dreading the miseries of a gaol, have chose to leave their employments and native country, and have entered themselves in foreign service: and whereas their continuance abroad must be of great prejudice to the trade of this kingdom; in order therefore to induce and enable such persons to return*, be it enacted by the authority aforesaid, That all and every debtor and debtors, who was or were actually beyond the seas, in foreign parts, on the said twenty-eighth day of *April*, one thousand seven hundred and seventy-four, and did not go into such foreign parts with a view or intent to gain or have the benefit of an insolvent debtor's act, who shall return and surrender himself or themselves, within fourteen days next immediately after his or their landing in *England*, unto the gaoler or gaolers, keeper or keepers, of the prisons of the *King's Bench*, *Marshalsea*, or *Fleet*, or to the gaoler or keeper, or deputed gaoler or keeper, of the prison or prisons of such county, city, town, riding, division, liberty, or place, where such debtor or debtors last dwelt for the space of six months, (which said gaoler or gaolers, keeper or keepers, is and are hereby required and impowered to receive and detain such debtor or debtors, surrendering as aforesaid, in order to their discharge, as herein-after mentioned,) and who, from and immediately after such

Debtors who were beyond the seas on April 28, 1774, surrendering themselves, may take the benefit of this act,

such surrender, do continue in actual custody of such gaoler and gaolers, keeper or keepers, until the time of his discharge, shall be deemed a prisoner or prisoners within, and be, to all intents and purposes, intitled to the benefit of, this act; and shall upon due proof of the said premises, by the oath of such debtor or debtors, (not disproved by any credible witness,) be discharged in the same manuer as if he, she, or they, had been actually in prison on the said twenty-eighth day of *April*, one thousand seven hundred and seventy-four, and continued therein as aforesaid; subject nevertheless to the same restrictions and provisions, and a compliance with the like terms, conditions, and qualifications, herein-before imposed upon the said prisoners actually in custody upon the said twenty-eighth day of *April*, one thousand seven hundred and seventy-four, and also subject to the terms and provisions relating to the estate and effects of such prisoner, as aforesaid; excepting only such particulars thereof as require the name of a prisoner to be inserted in the gaoler's or keeper's list, as aforesaid, or relate to the oaths of such gaoler or keeper herein-before appointed to be taken; which particulars cannot possibly be applied to the case of persons surrendering themselves as aforesaid; and also except the said oath herein-before appointed to be taken by prisoners in custody upon the said twenty-eighth day of *April*, one thousand seven hundred and seventy-four; instead whereof the person or persons so surrendering shall take an oath, in open court, at some general or quarter session of the peace, or some adjournment thereof, of the county, city, town, riding, division, place, or liberty, in the prison of which any such fugitive or debtor, shall be held after the surrender of any such fugitive or debtor, to the effect following; which the said justices, authorised to put this act in execution, are hereby required and impowered to administer, in such manner as the oaths herein-before mentioned are to be administered.

upon the same terms as other prisoners;

excepting such particulars, wherein the cases of both differ.

I A. B. upon my corporal oath, in the presence of Almighty God, solemnly swear, protest, and declare, That I was actually, on the twenty-eighth day of *April*, one thousand seven hundred and seventy-four, beyond the seas in foreign parts; videlicet, at and that I did, within fourteen days next immediately after my landing, surrender myself to the custody of the keeper of [as the case may be,] and that I have ever since such my surrender continued a prisoner in his custody; and that the schedule now delivered, and by me subscribed, doth contain, to the best of my knowledge, remembrance, and belief, a full, just, true, and perfect account and discovery, of all the real estate, goods, effects, and other personal estate, in any-wise belonging to me; and also of all such debts as are to me owing, or to any person or persons in trust for me; and of all the securities and contracts whereby any money now is, or will or may hereafter become payable, or whereby or wherefrom any benefit or advantage may accrue to me, or to my use, or to any other person or persons in trust for me; and the names and places of abode of the several persons from whom such debts are due and owing; and of the witnesses that

Fugitive's oath.

can prove such debts or contracts, [if any such there be,] and that neither I, nor any persons in trust for me, is or are seised of any real estate in possession, reversion, or remainder, or expectancy, or of any personal estate of any kind whatsoever, other than what are in the said schedule contained; except my wearing apparel, and bedding for myself and family, my working tools, and necessary implements for my occupation and calling, together with a sum of money not exceeding forty shillings, and not exceeding in the whole the value of twenty pounds; and that I have not directly or indirectly, sold, lessened, or otherwise conveyed, disposed of in trust, or concealed, all or any part of my real estate, money, goods, chattels, stocks, debts, securities, contracts, or personal estate whatsoever, whereby to secure the same, so as to receive or expect any profit or advantage therefrom to myself or family, or with any view, intent, or design, to defraud or deceive any creditor or creditors, to whom I am indebted in any-wise howsoever, or prevent their recovering or attaining their respective debts.

So help me GOD.

Fugitives arrested, intending to surrender, to be intitled to the benefit hereof.

XXIII. Provided also, and be it enacted, That if any fugitive intending to surrender to the terms of this act, shall, within the space before mentioned of fourteen days, be arrested in any suit or action, whose cause of action accrued before the said twenty-eighth day of *April*, one thousand seven hundred and seventy-four, such fugitive giving notice (as before directed) to any justice of the peace at the next general quarter sessions, and in all other respects complying with the terms and conditions of this act, shall be intitled to the benefit of the same; and every sheriff, bailiff, or officer, gaoler or keeper of a prison, in whose custody such fugitive shall be detained, shall conform him or themselves to the directions of this act, in like manner as before mentioned.

Gaoler; and printer of the Gazette, or other newspaper, not complying with the regulations in this act, forfeit 100l. to the prisoners, with treble costs of suit.

XXIV. And be it further enacted by the authority aforesaid, That if any gaoler or keeper of any prison, or his deputy or deputies, shall, without just cause, to be approved of by the justices at some general quarter session of the peace, or adjournment thereof, within their respective jurisdictions, refuse or delay to bring any such prisoner or prisoners as aforesaid to any such general quarter session, or some adjournment thereof, in order to his or her discharge; or shall neglect, refuse, or designedly omit to insert, in any such list, the name or names of any such prisoner or prisoners who was or were actually in custody in his or their respective gaol or prison on the said twenty-eighth day of *April*, one thousand seven hundred and seventy-four, or since; or shall neglect or refuse to make out, fix up, or deliver such lists as aforesaid; or if any such gaoler or keeper, or deputed gaoler or keeper, shall neglect or refuse to take any of the said oaths before mentioned, and hereby required to be taken by him; or shall, upon any account or pretence whatsoever, take or receive more than the said sum of one shilling herein-before allowed for his or her attendance, in order to be discharged of such prisoner or prisoners as aforesaid; or shall detain any such prisoner after he or she shall be discharged as aforesaid; or if the printer of the

London

London Gazette, or other newspaper, as aforesaid, shall wilfully refuse or neglect to insert therein the name, trade, occupation, and last place of abode, of such prisoner, on reasonable request to him made for that purpose, and tender of the money hereby directed to be paid; or shall take, or receive any fee or gratuity more than two-pence, as aforesaid, for doing thereof; every such gaoler and keeper of such prison or prisons, his deputy or deputies, and every such printer as aforesaid, shall respectively forfeit and pay to each prisoner, in any such case injured, the sum of one hundred pounds; which shall and may be recovered, with treble costs of suit, by action of debt, bill, plaint, or information, in any of the courts of record at *Westminster*, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed.

XXV. And be it further enacted by the authority aforesaid, That if any such gaoler or gaolers, or keeper or keepers, or any deputed gaoler or keeper of any prison, shall, in taking of the afore-mentioned oaths, forswear or perjure himself, and shall thereof be lawfully convicted, such gaoler or keeper, or deputed gaoler or keeper, of such prison or prisons, (over and above such penalties as may be inflicted on persons convicted of perjury,) shall, upon every such conviction, forfeit and pay the sum of five hundred pounds; to be recovered, with full costs, by bill, plaint, or information, or action of debt, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, or wager of law, shall be allowed, by and in the name of such person or persons, his or their executors and administrators, to whom any assignment or conveyance, in pursuance of this act, shall be made of the estate and effects of such prisoner or prisoners; and if no such assignee or assignees shall be living, then, in the name or names of any other creditor or creditors who shall sue for the said penalties; to be applied, one moiety to the informer or informers, and the other moiety towards satisfaction of the debts of such his creditor or creditors.

Gaoler convicted of perjury, forfeits 500l. with full costs of suit, &c.

One moiety to go to the informer, and the other towards satisfying the debts of the creditors.

XXVI. And be it further enacted, That if any clerk of the peace, or his deputy, or town clerk, or other officer acting as clerk of the peace, shall delay or refuse to give every or any such prisoner, so discharged as aforesaid, within fourteen days after his or her discharge, a copy of the order of his or her discharge, on the payment of two shillings and sixpence; or shall take more than the said sum of two shillings and sixpence for such copy; or shall take more than one shilling for an assignment or conveyance of such prisoner's estate or effects; every such clerk of the peace, or his deputy, or town clerk, or other officer acting as clerk of the peace, who shall so offend, and who shall be convicted at any such general or quarter session of the peace, or any adjournment thereof, of any such offence, shall, for every such offence, forfeit and pay to every such prisoner the sum of twenty pounds, as the justices of the peace, at any such general quarter session of the peace, or adjournment thereof, shall order; and who are hereby empowered to cause the same to be levied by distress and sale of

Clerk of the peace refusing the prisoner a copy of his discharge;

or taking exorbitant fees for the same; or for assigning over the prisoner's estate and effects; forfeits 20l. to the prisoner.

the goods of any such clerk of the peace, or his deputy, or town clerk, or other officer acting as clerk of the peace, so offending.

Prisoner convicted of perjury to suffer as a felon.

XXVII. And be it further enacted by the authority aforesaid, That if any prisoner as aforesaid, or any other person or persons who shall take the benefit of this act, shall forswear or perjure himself, herself, or themselves, in any oath to be taken under this act, and shall be lawfully convicted thereof, he, she, or they, so offending, shall be adjudged a felon, and suffer as such, without benefit of clergy.

Person discharged by this act, not liable to arrest of debts, &c. contracted before 28 April, 1774.

XXVIII. And be it further enacted by the authority aforesaid, That no person to be discharged by this act shall, at any time hereafter, be imprisoned by reason of any judgment or decree obtained for payment of money only, or for any debt, damages, contempts, costs, sum or sums of money, contracted, incurred, occasioned, owing, or growing due, before the said twenty-eighth day of *April*, one thousand seven hundred and seventy-four; but that upon every arrest upon every judgment, or such decree, or for such debts, damages, contempts, costs, sum and sums of money, it shall and may be lawful for any judge of the court where the process issued, upon shewing the copy of the order of such prisoner's discharge or discharges, to release and discharge out of custody such prisoner or prisoners as aforesaid; and every such judge is hereby empowered so to do, on such prisoner's causing a common appearance to be entered for him in every such action and suit.

But no prisoner to be discharged of debts subsequent to April 28, 1774.

XXIX. *And whereas, under former acts of this kind, doubts have arisen, what was to be done with such prisoners who applied at any session to be discharged, who owed and stood charged with debts, as well previous as subsequent to the day limited by the respective acts; to remedy which, be it therefore enacted by the authority aforesaid,* That no prisoner or prisoners shall be discharged of any debts subsequent to the twenty-eighth day of *April*, one thousand seven hundred and seventy-four; and if it shall appear to the justices, in any session, or adjournment, that any prisoner or prisoners, then applying to them to be discharged, shall stand charged as well with debts previous to, as subsequent to the said twenty-eighth day of *April*, one thousand seven hundred and seventy-four, that, in such cases, it shall and may be lawful to and for the justices to discharge him or her of all debts previous to the said twenty-eighth day of *April*, one thousand seven hundred and seventy-four, and to remand him or her back to the custody of the keeper of the prison from whence he or she was brought, for all debts with which he or she stands charged with in his custody, subsequent to the said twenty-eighth day of *April*, one thousand seven hundred and seventy-four.

Justices, sheriffs, and gaolers, may plead this act to any action of escape, or have brought against them,

XXX. And be it further enacted by the authority aforesaid, That if any action of escape, or any suit or action, be brought against any justice or justices of the peace, sheriff, gaoler, or keeper of any prison, for performing their office, in pursuance of this act, they may plead the general issue, and give this act in evidence; and if the plaintiff be nonsuited, or discontinue his action,

action, or verdict pass against him, or judgment upon demurrer, and recover the defendant shall have treble costs.

XXXI. And be it further enacted by the authority aforesaid, That if any *Scire Facias*, or action of debt, or upon judgment, shall be brought against any prisoner, his or her heirs, executors, or administrators, upon any judgment obtained against any such prisoner, or on any statute or recognizance acknowledged by him or her, before the said twenty-eighth day of *April*, one thousand seven hundred and seventy-four, with respect to prisoners in actual custody, or with respect to debtors beyond the seas, as aforesaid, upon the said twenty-eighth day of *April*, one thousand seven hundred and seventy-four, it shall be lawful for any such prisoner, his or her heirs, executors, or administrators, to plead generally that such prisoner was actually a prisoner in such prison at such a person's suit, or was or were beyond the seas in foreign parts on the said twenty-eighth day of *April*, one thousand seven hundred and seventy-four, and was or were duly discharged, according to this act, at the general quarter session, or adjournment thereof, held at such time and place, for such county, riding, division, liberty, city, town, or place, (as his, her, or their case is,) without pleading any matter specially; and in case any other suit or action shall be commenced against him, her, or them, for any other debt, sum or sums of money, due before the said twenty-eighth day of *April*, one thousand seven hundred and seventy-four, to plead in discharge of his or her person from execution, (over and above such matters as aforesaid,) that such debt or sum of money (as the case shall happen) was contracted or due before the said twenty-eighth day of *April*, one thousand seven hundred and seventy-four, without pleading any other matter specially; whereto the plaintiff shall or may reply generally, and deny the matters pleaded as aforesaid, or reply any other matter or thing which may shew the said defendant not to be intitled to the benefit of this act, or not duly discharged according to it, in the same manner as the plaintiff might have replied, in case the defendant had pleaded this act, and his discharge by virtue of this act, specially; and if the plaintiff be nonsuited, discontinue his action, or verdict pass against him, or judgment on demurrer, the defendant to have treble costs.

Persons discharged may plead generally, &c. to all actions or judgments brought against them before April 28, 1774, &c.

and in other suits, may plead in discharge of their persons from execution.

Plaintiff may reply generally, &c.

but if nonsuited, is to pay treble costs.

XXXII. Provided always, That nothing in this act contained shall extend, or be construed to extend, to release or discharge any attorney at law, or solicitor, or any other person or persons acting or pretending to act as such, with regard to any debt with which he or they shall stand charged, for any money, or other effects, recovered and received by him or them, for the use of any person or persons, bodies corporate or politick, and by any attorney, solicitor, or other person or persons acting as such, embezzled, concealed, or converted, to his or their own use; or to release or discharge any servant or agent, or any person or persons employed or entrusted as such, with regard to any debt or demand with which he, she, or they, shall stand charged, for

Attornies or servants embezzling money, &c. excluded the benefit of this act.

and on account of any money, goods, or other effects, received or possessed by him, her, or them, for the use and on account of his, her, or their master or masters, or employers, and by such servant or agent embezzled, concealed, or converted to his, her, or their own use; any thing herein contained to the contrary thereof in any-wise notwithstanding.

XXXIII. And be it further enacted by the authority aforesaid, That every gaoler or keeper of any prison shall, and is hereby required to suffer, in the day-time, any person or persons desiring the same, to see and speak, in the lodge, or some convenient room of the said prison, with any prisoner or prisoners, whose names are inserted in the afore-mentioned list or lists, or *London Gazette*, or other newspaper, or any of them, or any persons surrendering themselves pursuant to this act; and also see, in the true and genuine books of the said prison, the entries made of the name or names of such prisoner or prisoners, together with the name or names of the person or persons at whose suit or suits he, she, or they, are detained: and if any such gaoler or keeper shall neglect or refuse to comply with what is here above required, every such gaoler or keeper, who shall so offend in the premises, shall forfeit and pay to the person so refused and aggrieved the sum of forty pounds; to be recovered, with costs of suit, by action of debt, bill, plaint, or information, in any of the courts at *Westminster*, wherein no esloin, protection, wager of law, or more than one imparlance, shall be allowed, by and in the name or names of the person or persons so refused and aggrieved.

Gaoler to permit the speaking in private to prisoners, whose names are inserted in the list, or *Gazette*, &c. and the examining the original books of entries, &c. on penalty of 40l. with costs of suit.

XXXIV. And whereas several persons who have taken the benefit of acts of insolvency, from a difficulty of obtaining a new credit to set themselves up in their usual trades and occupations, (as their future effects have been made liable to their debts previous thereto,) have gone abroad, for the better maintenance of themselves and families, carrying the arts and manufactures of this country to our enemies, or rivals in trade: in order to prevent such evil for the future, be it enacted, That the future real estates, as well freehold and copyhold, as customary copyhold, or money in the funds, or lent upon real security only, of every such person or persons, prisoner or prisoners, fugitive or fugitives, which, after the time of his, her, or their total surrender of his, her, or their estates and effects, under such acts, he, she, or they, shall or may be seized of, in his, her, or their own right or use, by grant, demise, or purchase, shall remain and be liable to his, her, and their respective creditors, as before the making of this act: and any creditor or creditors of any such prisoner or prisoners, fugitive or fugitives, may, at any time hereafter, sue out execution, extents, or other process, against such real estate as aforesaid of such person or persons, on any judgment at the time of such discharge recovered, or statute staple, or recognizance acknowledged by, or sentence or decree obtained against, any such prisoner or fugitive; but not against his, her, or their person, or his, her, or their personal estate or effects, obtained or accrued since such time of such discharge, other than as aforesaid.

Prisoners future estate, or money in the funds, notwithstanding their personal discharge, liable to creditors;

who may sue out execution, but not against their persons, or personal effects obtained since their discharge.

XXXV. And

XXXV. And be it also enacted, That any creditor or creditors of any prisoner or prisoners, fugitive or fugitives, who shall be discharged under this act, may, at any time after any such discharge, commence and prosecute any action or suit against any such prisoner or fugitive, his, her, or their respective heirs, executors, or administrators, for the recovery of any sum or sums of money which shall be due from any such prisoner or prisoners, fugitive or fugitives, at the time of his or her said discharge, but shall not hold the person of any such prisoner or fugitive to special bail; nor shall take the person, or personal estate and effects, other than as aforesaid, of any such prisoner or fugitive, in execution, by any judgment, sentence, or decree, which shall have been, or hereafter may be, recovered or obtained against any such prisoner or fugitive; and any judge of the court out of which such execution shall issue, shall have power to discharge the same, by virtue of this act: and in any action or suit, which shall be hereafter commenced against any such prisoner or fugitive, his or her heirs, executors, or administrators, no benefit or advantage shall be had or taken for that the cause of action did not accrue within three years next before the commencing of any such action or suit; nor shall any statute or limitation be pleadable, or be allowed to be pleaded in bar of or in any such action or suit, which shall be hereafter commenced by any such creditor or creditors against any such prisoner or prisoners, unless such cause of action or suit did not accrue within three years next before any such prisoner or fugitive shall be discharged under this act; and, in any such case, the same may be pleaded by any such prisoner, his or her heirs, executors, or administrators.

XXXVI. Provided always, and be it likewise enacted, That by the discharge of any prisoner or fugitive by force of this act, no other person or persons who was or were partner or partners in trade with any such prisoner or fugitive, at the time of his or her discharge under this act, or then stood bound, engaged with, or liable to, the payment of any debt with any such prisoner or fugitive, or engaged in any contract together with any such prisoner or fugitive, shall be discharged from any such debt or demand; but every such other person and persons shall severally stand and be chargeable with, and liable to pay, such debt and debts, and to perform such contracts, in like manner as if any such prisoner or fugitive had never been discharged from the same.

XXXVII. And be it further enacted, That if any gaoler or keeper, or reputed gaoler or keeper, of any prison or prisons, shall make, or cause to be made, any false entries in any book or books belonging to any prison or gaol under his care, or of which he is or was gaoler, or shall prepare or keep, or cause to be prepared or kept, any false book or books, in order for any false or untrue entry or entries to be made therein; or shall insert in any list, to be delivered in as aforesaid, the name or names of any person or persons who was not a prisoner or prisoners in actual custody in any such gaol or prison upon the said twenty-eighth

Creditors may sue for the recovery of debt due at the time of the prisoner's discharge,

but not hold the prisoner to special bail, nor take his person, &c. by any judgment recovered against him;

and no advantage is to be taken of the cause of action not accruing within three years, nor of the statute of limitation. Exception.

Discharge of prisoner no acquittal to the copartner or sureties.

Gaoler making false entries in the prison book or lists, forfeit 500l. with treble costs,

over and above
all other penal-
ties for such
fraud.

day of *April*, one thousand seven hundred and seventy-four, or shall not have ever since remained in such actual custody, (except as in the oath of any such gaoler or keeper, or deputed gaoler or keeper, shall be excepted,) every such gaoler or keeper, or deputed gaoler or keeper, shall, over and above the penalties which he shall be liable to for every such fraud, forfeit and pay the sum of five hundred pounds; to be recovered, with treble costs of suit, by and in the name, and for the use, of any person or persons who shall be prejudiced by any entry, or such false entries; which penalties shall and may be recovered by action of debt, bill, plaint, or information in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed.

Prisoner refus-
ing to declare
the abode, &c.
of the person
at whose suit
he is detained,
or to come to
the creditor in
the lodge;
is excluded
the benefit of
this act.

XXXVIII. And be it further enacted, That if any prisoner, being thereunto required by any creditor, shall refuse to discover and declare the trade or occupation, and habitation, or last place of abode, of the person or persons at whose suit he or she is detained or charged in custody; or, being called for and desired, by any creditor or creditors, to come to the lodge of the prison in which any such prisoner shall be confined, without some reasonable cause being made appear to the contrary; every such prisoner, upon proof being made thereof before the justices at any general or quarter session of the peace, or any adjournment thereof, to be held as aforesaid, shall not have or receive any benefit or discharge by or under this act; any thing herein contained to the contrary thereof in any-wise notwithstanding.

Justices may
assemble at any
convenient
place near to
either of the
county gaols,
and hold a
session there
for discharge
of prisoners.

XXXIX. And whereas there is but one common or county gaol for each of the respective counties of York, Lincoln, Lancaster, and Durham, which said counties are each of them divided into several ridings or divisions, all which have several commissions of the peace; and if the gaolers of those gaols be obliged to carry the debtors, prisoners therein, to the quarter session of each riding or division, the same will be a very great charge, not only to such gaolers, but also to the prisoners in those large counties; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for two or more justices of the peace for any of the ridings or divisions in the respective counties, (or any other county or counties where the prisons are at a distance from the place where the sessions are held,) at the common or county gaol thereof respectively, or at some convenient place near thereto, and they are hereby required to assemble and meet, and to hold session there, by adjournment from their respective quarter session, from time to time, for the discharge of the respective prisoners therein, according to the powers, limitations, and directions of this act.

Justices for the
county of Sur-
rey may assem-
ble at the

XL. And whereas the next general quarter session of the peace for the county of Surrey, which will happen after the passing of this act, will be in the county, and upwards of twenty miles from any of the said prisons; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for such justices as shall be assembled at the general quarter session of the peace to be holden for the county of Surrey next after the passing of this act, and

and they are hereby required forthwith to adjourn the said session to the town-hall in the borough of *Southwark*, for the purpose of administering the oaths required to be taken and subscribed by this act, by the several gaolers within the said county wherein any prisoner or prisoners are confined, and to the discharging such respective prisoner or prisoners confined therein, according to the powers, limitations, and directions, of this act.

town hall of
Southwark for
administering
oaths.

XLII. And be it further enacted by the authority aforesaid, That all debtors and others, who were in prison on or before the said twenty-eighth day of *April*, one thousand seven hundred and seventy-four, or since, in any of the gaols of this kingdom, and now remain there for not paying their fees, rents, or any other demands due, or claimed, as due to the keeper or gaoler of any prison respectively, or to any other officer of any such prison, and upon no other account, shall be discharged therefrom, he, she, or they, taking the oath by this act required to be taken by prisoners.

Those who are
prisoners for
their fees, or
other demands
of the gaoler
or officer, to
be discharged.

XLIII. Provided always, That this act shall not extend to discharge any person out of prison, seeking his or her discharge under this act, with respect to any debt with which he or she shall stand charged at the suit of the crown, if the discharge of such prisoner is opposed by council, but if not opposed, then the said prisoner to be discharged, he complying, in all other respects, to the directions of this act; or shall be charged by any body politick or corporate, or by any one person, on or before the said twenty-eighth day of *April*, one thousand seven hundred and seventy-four, in any sum exceeding the sum of two thousand pounds, besides interest and costs, and whose discharge shall be in court opposed by such body politick or corporate, or one person: and if any such body politick or corporate, creditor or creditors, to whom a sum exceeding two thousand pounds shall be owing, shall oppose the discharge of such prisoner, and shall insist that such prisoner be continued in gaol, that then, and in such case, such body politick or corporate, or creditor or creditors, opposing the said prisoner's discharge as aforesaid, shall, at his, her, or their proper costs and charges, allow and pay, in the whole, such a weekly maintenance to the said prisoner, not exceeding four shillings, nor less than three shillings and sixpence *per* week, in such manner as the said justices, in their general quarter session, or some adjournment thereof, shall order; and, upon nonpayment of the same for the space of two weeks, the said prisoner, upon application to the said justices in their general quarter session, held as aforesaid, shall be discharged, pursuant to the intent and meaning of this act.

Debtors to the
crown, and
prisoners, who
owe above
2000*l.* to one
person, unless
the creditors
consent, are
excluded the
benefit of this
act.

Creditor op-
posing prison-
er's discharge,
to allow him
3*s.* 6*d.* *per*
week.

On nonpay-
ment for two
weeks, prison-
er to be dis-
charged.

XLIII. And whereas, under former acts, creditors have been put to great expences and trouble in attending every session and adjournment, during the whole continuance of the act, to oppose the discharge of prisoners clearly excluded from any benefit under the said respective acts, but who, after having been before one session heard, and refused a discharge, to harass their creditors, constantly gave fresh notices for each subsequent session and adjournment, of their intended application

to

Determination of the justices to be final with respect to the retention of any prisoner; unless the prisoner get rid of the objection for which they refused his discharge. The justices, on proof by two witnesses of objection being removed, &c. may discharge such prisoner.

Discharges to be obtained by August 1, 1776.

Persons seised of an estate tail, claiming the benefit of this act, are to deliver up the same to the creditors. Proviso.

to be discharged; to remedy which, be it further enacted by the authority aforesaid, That in all cases whatever, the determination of the justices in session, or adjournment, shall be final to all intents and purposes, unless the prisoner shall, during the continuance of this act, get rid of the objection or objections for which they refused his discharge; and, that the same may be clear and certain, the justices are hereby required to state the objections why such prisoner's discharge is refused by them; and, in all cases whatever, it shall and may be lawful to and for the justices, at any subsequent session, or adjournment, upon application from the prisoner, upon due proof on oath made to them by two or more credible witnesses, (and which oath they are hereby impowered to administer,) of each objection or objections being removed, and on proof of notice served, at least ten days previous to such application on the creditor or creditors who before opposed his discharge, and of notice likewise inserted in the *Gazette*, in manner before directed by this act, to order such prisoner to be brought before them, and if they shall then be of opinion the said prisoner is intitled to the benefit of this act, to order him to be discharged, he taking the oath, and in all other respects conforming to the directions of this act.

XLIV. Provided always, That every fugitive or fugitives, intitled, or to be intitled, to the benefit of this act, shall obtain their respective discharges on or before the first day of *August*, one thousand seven hundred and seventy-six, or shall be excluded from all benefit of this act.

XLV. *And whereas it may happen that several persons, who may claim and be intitled to the benefit of this act, are seised of an estate tail, in some freehold or copyhold lands, tenements, or hereditaments, which entail, with the remainders thereupon expectant, they have, by law, power to defeat and bar, either by levying a fine or fines, suffering a common recovery or common recoveries, or by surrender or surrenders thereof, whereby such person or persons said freehold or copyhold lands, tenements, or hereditaments, would be liable to the payment of their debts, and be delivered up, according to the terms of this act, for the benefit of their creditors; be it therefore enacted by the authority aforesaid, That in every such case, such person or persons, so seised as aforesaid, and who shall be intitled to, and claim the benefit of, this act, shall, to all intents and purposes whatsoever in law, be deemed and taken, and is and are hereby declared to be seised of such lands, tenements, and hereditaments, in fee: provided the same shall be delivered up to the creditor or creditors of every such prisoner, in the same manner as if such person or persons had actually levied a fine, suffered a common recovery or recoveries, or made a surrender or surrenders thereof, and thereby had become seised in fee; any law, or construction of law, to the contrary thereof in any-wise notwithstanding.*

XLVI. *And whereas many persons, who may take the benefit of this act, have been great dealers, or otherwise engaged in large transactions, whereby they may be intitled to sundry and great debts and demands, of*

various

various and intricate natures, and they may be intitled to equities of redemption of estates, subject and liable to mortgages, judgments, or other incumbrances, or to reversions, remainders, or other contingent estates in lands, tenements, or hereditaments, or to other trusts or interests in estates, both real and personal, which may not be sufficiently described or discovered in the schedule or inventory before directed to be delivered in upon oath, as aforesaid, or which may want his aid or assistance to adjust, make out, recover, or manage, for the benefit of the creditors; be it therefore enacted by the authority aforesaid,

That it shall and may be lawful to and for the respective assignees of the estate and effects of such prisoner or prisoners who shall obtain, his, her, or their discharge, in pursuance of this act, or any other person or persons, duly authorised by them for that purpose, from time to time, to apply to any two or more of the justices of the peace for the county, riding, division, city, town, place, or liberty, where such person or persons shall be then residing, thereby desiring that such person or persons may be further examined as to any matters or things relating to his, her, or their estate or effects; whereupon such justices shall send for, or call before them, such person or persons, by such warrant, summons, ways, or means, as they shall think fit; and, upon such person's appearing, shall examine him, her, or them, as well upon oath as otherwise, as to such matters and things, as such assignee shall desire, relating to the estate and effects of such person or persons; and if any person or persons, (on payment, or tender of payment, of such reasonable charges as such justices shall judge sufficient,) shall neglect or refuse to come and appear, not having a lawful excuse, to be made known to such justices, and by them allowed, or, being come before them, shall refuse to be sworn, or to answer to all such questions as by such justices shall be put to him, her, or them, relating to the discovery of his, her, or their estate or effects so vested, or intended to be vested, in such clerk of the peace, town clerk, or other officer, acting as clerk of the peace, or in such assignees as aforesaid, that then it shall and may be lawful to and for such justices, by warrant under their hands and seals, to apprehend such person or persons so offending, as aforesaid, and him, her, or them, to commit to the common gaol, there to remain, without bail or mainprize, until such time as he, she, or they, shall submit him, her, or themselves, to such justices, and answer upon oath to all such lawful questions as shall, by such justices, be put to him, her, or them, for the purposes aforesaid.

XLVII. And be it further enacted by the authority aforesaid, That all and every such person and persons who shall, within twelve months after the discharge of such prisoner or prisoners, voluntarily come in and make a discovery of any part of such debtor or debtors real or personal estate, as shall not be comprised in such schedule as aforesaid, before any justices aforesaid, shall be allowed after the rate of twenty pounds *per centum*, out of the net produce of such debtor or debtors estate which shall be recovered on such discovery, and which shall be paid to such person or persons

Assignees may apply for further examination of prisoner, touching the discovery of his effects, &c.

and justices may send for and examine the prisoners accordingly.

Persons refusing to appear, or to answer upon oath, may be committed.

20l. per cent. allowed on discovering within twelve months any part of the prisoner's estate not returned in the schedule.

persons so discovering the same, by the assignee or assignees of such prisoner's estate and effects.

Discharge obtained fraudulently, void.

XLVIII. Provided always, and be it enacted, That notwithstanding the discharge of any prisoner or prisoners by virtue of this act, if it shall hereafter appear the same was obtained fraudulently, or that any part of the oath taken by any such prisoner was not true; then, and in every such case, every such discharge shall be void and of none effect.

Persons concealing any estate or effects of the prisoner, forfeit 100*l.* and double value, with treble costs of suit.

XLIX. And, for the better discovery of the estate and effects of any prisoner who shall be discharged by virtue of this act, be it enacted by the authority aforesaid, That any person or persons who shall have accepted of any trust or trusts, and shall wilfully conceal or protect any estate, real or personal, of any such prisoner from his creditors, and shall not, within thirty days after any assignee or assignees shall, in pursuance of this act, be chose of any such prisoner's estate, discover and disclose to such assignee or assignees such trust and estate, in writing, and deliver up or make over the same to such assignee or assignees, he, she, or they, so offending, shall, for every such offence, forfeit the sum of one hundred pounds, and also double the value of the estate, either real or personal, so concealed, to and for the use of the creditors of any such prisoner; to be recovered by action of debt, in any of his Majesty's courts of record at *Westminster*, in the name or names of the assignee or assignees of such prisoner's estate, together with treble costs of suit.

Assignees with consent of the majority in value of the creditors, may compound for debts due to the prisoner's estate;

L. And be it further enacted by the authority aforesaid, That it shall be lawful, at all times hereafter, for any assignee or assignees of the estate or effects of any prisoner or prisoners, who shall be chose in pursuance of this act, by and with the consent of the major part in value of such prisoner or prisoners creditors, who shall be present at a meeting to be held on twenty-one days public notice being previously given for the purpose hereafter mentioned in the *London Gazette*, if the prisoner was in custody in *London*, or within the weekly bills of mortality, and if not, then also in some newspaper which shall be published in the county, city, or place, in or near which any such person shall have been in gaol, to make composition with any person or persons, debtors, or accountants, to such prisoner or prisoners, where the same shall appear necessary or reasonable; and to take such reasonable part of any such debt as can, upon such composition, be gotten, in full discharge of such debts and accounts, and also to submit any difference or dispute between such assignee or assignees and any person or persons, for or on account, or by reason or means of any matter, cause, or thing, relating to such prisoner or prisoners estate or effects, or to any debt or debts due, or claimed to be due, to or from such prisoner or prisoners to the final end and determination of arbitrators, to be chosen by the said assignee or assignees, and the major part in value of such creditors, and the party or parties with whom they shall have no difference, and to perform the award of such arbitrators, or of any umpire to be chosen by them, or otherwise to settle and agree

and may submit any dispute relating thereto to arbitration;

agree the matters in difference or dispute between them, in such manner as the said assignee or assignees, with such consent as aforesaid, shall think fit, and can agree; and the same shall be binding to all the creditors of such prisoner or prisoners, and every such assignee or assignees is and are hereby indemnified for what they shall fairly do in the premises, in pursuance of this act.

LI. *And whereas, under former acts of this nature no provision was ever made what should become of the estate and effects of any prisoner or prisoners, fugitive or fugitives, not got in, obtained, or recovered, by any assignee or assignees, chose pursuant to the directions of the several acts, at the time of his or their death or deaths, and whose heir or heirs, executors, administrators, and assigns, refused to act or meddle therein; to remedy which, be it enacted, That in all such cases, it shall and may be lawful to and for the creditors of every such prisoner or prisoners, fugitive or fugitives, to chuse a new assignee or assignees in manner and form as herein-before is directed, and to obtain a new assignment from the clerk of the peace, or his deputy, town clerk, or other officer acting as clerk of the peace, pursuant to the order of the justices; and which said order the said justices are hereby required and impowered to direct, (on due proof on oath being made to them of the death of such former assignee or assignees, and refusal of his or their heirs, executors, administrators, and assigns, to act or meddle therein;) and the said clerk of the peace, or his deputy, town clerk, or other officer acting as clerk of the peace, are hereby impowered to obey the same, and execute such assignment accordingly, in manner and form as if no former assignment had ever been made, the said assignee or assignees, clerk of the peace, or his deputy, town clerk, or other officer acting as clerk of the peace, hereby conforming to all orders and directions made by this act relative to them, or any of them; and to be liable to all such pains and penalties as are inflicted on them, or any of them, by virtue of this act, for disobedience in any part thereof, or neglect of duty whatever: and in case any such assignee or assignees shall die, and his heirs, executors, administrators, or assigns, shall refuse to act; that then, and in such case, it shall be lawful for such justices of the peace to appoint a new assignee or assignees, with the like powers and authorities as are given by this act, and the said justices shall have power, in a summary way, to oblige the heirs, executors, administrators, and assigns of such assignee or assignees, to account and deliver up all such estate and effects as shall remain in his or their hands, to be applied for the purposes of this act.*

LII. *And, to the intent and purpose that the estate and effects of such prisoner or prisoners as shall be discharged by virtue of this act may be duly and faithfully applied for the benefit of his, her, or their real creditors, be it enacted by the authority aforesaid, That it shall and may be lawful to and for the respective courts at Westminster, and the courts of great sessions in Wales, and the principality of Chester, and the counties palatine of Lancaster and*

If assignees die before the effects of the prisoners are got in, and their heirs, &c. refuse to act, other assignees to be appointed, and creditors to obtain a new assignment from the clerk of the peace, which the justices are to direct. Clerk of the peace to obey the order, as if no assignment had been made.

Assignees complained against for insufficiency, fraud, mismanagement, or other misbehaviour;

the court
thereupon is
to summon the
parties, and
make such
orders there-
in as they
shall think fit.

Durham respectively, from whence any process issued upon which any such prisoner or prisoners was or were committed, or where the process issued out of any other court, to and for the judges of the court of king's bench, common pleas, and exchequer, or of great sessions aforesaid, within their respective jurisdictions, or any one of them, from time to time, upon the petition of any such prisoner, or the creditor or creditors of such prisoner or prisoners, complaining of any insufficiency, fraud, mismanagement, or other misbehaviour of any assignee or assignees of the estate or effects of any such prisoner or prisoners, to summon all parties concerned, and, upon hearing the parties concerned therein, to make and give such orders and directions therein, either for the removal or displacing such assignee or assignees, and appointing any new assignee or assignees in the place or stead of such assignee or assignees so to be removed or displaced, or for the prudent, just, or equitable management or distribution of the estate and effects of any such prisoner, for the benefit of the respective creditors, as the said courts or judges respectively shall think fit; and in case of the removal or displacing of any assignee or assignees, and the appointing of any new assignee or assignees, the estate or effects of such prisoner or prisoners shall, from thenceforth, be divested out of the assignee or assignees so removed or displaced, and be vested in, and delivered over to, such new assignee or assignees, in the same manner, and for the same intents and purposes, as the same were before vested in the assignee or assignees first chose as aforesaid; any thing in this act contained to the contrary notwithstanding.

Where mutual credit has been given, the balance to be stated and allowed.

LIII. Provided always, and be it enacted by the authority aforesaid, That in all cases where mutual credit hath been given between any prisoner or prisoners, who shall be discharged in pursuance of this act, and any other person or persons, or body politick or corporate, before the delivery of such schedule or inventory of the estate and effects of such prisoner or prisoners, upon oath as aforesaid, the respective assignee and assignees of such prisoner or prisoners is and are hereby authorized and required, on his and their parts, to state and allow an account between them and the other party or parties concerned; and nothing more shall be deemed to be vested in such clerk of the peace, town clerk, or other officer acting as clerk of the peace, or such assignee or assignees under such clerk of the peace, town clerk, or other officer acting as clerk of the peace, as the estate or effects of such prisoner or prisoners, than what shall appear to be justly due to him, her, or them respectively, as and for the balance of such account, when truly stated.

Persons committed for not paying money awarded under submissions to arbitration;

LIV. *And whereas many persons are often committed on attachments, for not paying money awarded to be paid under submissions to arbitrations by rules of court, or under submissions to arbitration bonds, and which submissions have been made rules of court, in pursuance of an act, passed in the ninth and tenth years of the reign of William the third, for determining differences by arbitration; and likewise for*

for not paying of costs duly and regularly taxed and allowed by the proper officer, after proper demands made for that purpose; and also upon any writ of Excommunicato capiendo, or other process for, or grounded on, the non-payment of costs or expences in any cause or proceeding in any ecclesiastical court; it is hereby declared and enacted, That all such persons are and shall be intitled to the benefit of this act, on and subject to the same terms and conditions as are herein expressed and declared with respect to prisoners for debt only: *And whereas great numbers of poor people have been and are now imprisoned for debt, upon processes issuing out of courts of conscience; it is hereby enacted and declared, That all such prisoners shall be intitled to have the benefit of this act, and be discharged under the same, provided he, she, or they, conform to the directions herein-before prescribed, touching other prisoners who shall be discharged by virtue of this act.*

and for not paying costs; and upon writ of Excommunicato Capiendo, &c. are intitled to the benefit of this act.

Those who are prisoners upon process out of courts of conscience, to have the benefit of this act.

LV. And be it further enacted by the authority aforesaid, That in all cases wherein by this act an oath is required, the solemn affirmation of any person, being a quaker, shall and may be accepted and taken in lieu thereof; and every person making such affirmation, who shall be convicted of wilful and false affirming, shall incur and suffer such and the same penalties as are inflicted and imposed by this act upon persons convicted of wilful and corrupt perjury.

Quaker's affirmation to be taken in lieu of an oath.

LVI. Provided always, and be it further enacted by the authority aforesaid, That no person who took the benefit of an act, passed in the ninth year of the reign of his present majesty King George the Third, (intituled, *An act for the relief of insolvent debtors*, or of an act, passed in the twelfth year of the reign of his present majesty King George the third, (intituled, *An act for the relief of insolvent debtors, and for indemnifying the marshal of the King's Bench Prison from prosecutions at law for certain escapes from the said prison*,) shall have or receive any benefit or advantage of or under this act, nor be deemed to be within the intent and meaning thereof, so as to be discharged under the same; any thing herein-before contained to the contrary notwithstanding.

Persons who took the benefit of the act of 9 Geo. 3. excluded.

LVII. Provided also, and it is hereby enacted, That nothing in this act contained shall extend to that part of Great Britain, called Scotland.

This act not to extend to Scotland.

LVIII. *And whereas bankrupts who have not obtained their certificates and discharge of their debts, under some one of the acts relating to bankrupts, have not been deemed to be within the meaning of acts of insolvency, as such bankrupts have no schedules to deliver up according to the terms and conditions of such acts; nevertheless, as many bankrupts are confined in prison for debt only, though they have already delivered up their whole estates and effects, or from a fear of being arrested and thrown into prison, do abscond from their homes, and go into foreign parts; be it further enacted by the authority aforesaid, That such person or persons against whom a commission of bankruptcy hath been awarded and issued, on or before the twenty-eighth day of April, one thousand seven hundred*

Clause of relief for bankrupts who have not obtained certificates and discharge of their debts.

dred and seventy-four, who hath or have duly conformed, or shall duly conform him, her, or themselves, to the several acts of parliament relating to bankrupts, and hath not or have not been committed to any prison by a warrant of the commissioners, in such commission named, for contumacy or noncompliance to those laws, and who now is, or are in prison for debt, damages, contempt, costs of suit, or any sum or sums of money due and accrued previous to such commission, or who now are secreting themselves in fear of their creditors, and shall be hereafter sued, arrested, or held to bail, or shall surrender him, her, or themselves, or be surrendered, in discharge of his, her, or their bail, or taken in execution in any suit or action for any such debt or debts as aforesaid, shall and may, after the expiration of thirty days, apply to any one of the judges of the court wherein such process or processes hath or have issued, to summon his, her, or their plaintiff or plaintiffs, to shew cause why such bankrupt or bankrupts should not be discharged from his, her, or their imprisonment or arrest, as aforesaid, such bankrupt or bankrupts first making oath before such judge, (or if at a distance from such judge, then before a justice of the peace,) who is hereby authorised to administer such oath, that such debt or debts did accrue previous to the issuing such commission; and such plaintiff or plaintiffs not appearing, or not proving that such bankrupt or bankrupts hath or have concealed any part of his, her, or their estate or effects, or hath or have not duly conformed him, her, or themselves to the laws now in force against bankrupts, such judge shall and may discharge such bankrupt or bankrupts from such imprisonment or arrest, as aforesaid; such bankrupt or bankrupts causing a common appearance to be entered for him, her, or them, where necessary, in every such suit or action; and if any such bankrupt or bankrupts shall be afterwards again sued and arrested, or taken in execution, or imprisoned in any suit or action for such debt or debts previous to such commission as aforesaid, any judge of the court wherein such process issued shall, upon summons of the proper party or parties, immediately discharge such bankrupt or bankrupts from such arrest or imprisonment; nevertheless such bankrupt or bankrupts shall, in all other respects, be deemed subject to the laws in force against bankrupts; and every sheriff and sheriffs, bailiff and officer, gaoler and keeper of a prison, is and are hereby required, on proper notice being given of such judge's discharge, to release and set free such bankrupt or bankrupts out of his or their custody, and each and every of them is and are hereby indemnified from any action or actions that may be brought, commenced, or prosecuted against him or them for any escape for or on account thereof.

Clause with
respect to
bankrupts in-
cluded in the
act 12 Geo. 3.

LIX. *And whereas many bankrupts, who were included within the benefit of the late act of the twelfth year of his present Majesty's reign, relating to bankrupts, have not as yet returned home, or cannot act in their several occupations for the maintenance of themselves and families, from some certain circumstances of their case; be it enacted,*

That

That such person or persons against whom a commission of bankruptcy hath been awarded and issued, on or before the twenty-fifth day of *March*, one thousand seven hundred and seventy-two, and who having in all things conformed themselves to the several acts now in force relating to bankrupts, by their surrender and submission thereto, and who have not been committed for any act of contumacy or nonconformity, yet who hath not, or have not, gained a total discharge from his, her, or their creditors of his or their debts under such commission, shall have liberty to petition or apply by motion of court to the lord chancellor, the lord keeper, or lords commissioners of the great seal for the time being, setting forth any such grievance or other circumstance, he, she, or they, may lie under, relative to such commission: which petition or matter the lord chancellor, the lord keeper, or lords commissioners aforesaid, may refer to a master in chancery; and upon such report or hearing thereof, shall have power and authority to direct the commissioners in the commission named to certify the proceedings under such commission, and shall grant such order thereupon, for the discharge or relief of such bankrupt or bankrupts, as to his or their lordships shall seem proper; any law or usage to the contrary notwithstanding.

C A P. LXXVIII.

An act for the further and better regulation of buildings, and party-walls; and for the more effectually preventing mischiefs by fire within the cities of London and Westminster, and the liberties thereof, and other the parishes, precincts, and places, within the weekly bills of mortality, the parishes of Saint Mary-le-bon, Paddington, Saint Pancras, and Saint Luke at Chelsea, in the county of Middlesex; and for indemnifying, under certain conditions, builders and other persons against the penalties to which they are or may be liable for erecting buildings within the limits aforesaid contrary to law.

WHEREAS an act of parliament, made and passed in the *Preamble:*
twelfth year of his present Majesty's reign, intituled, An act 12 Geo. 3.
 for the better regulation of buildings and party-walls within the
 cities of London and Westminster, and the liberties thereof, and
 other the parishes, precincts, and places in the weekly bills of
 mortality, the parishes of Saint Mary-le-bon and Paddington, Saint
 Pancras, and Saint Luke at Chelsea, in the county of Middlesex,
 and for the better preventing of mischiefs by fire within the said
 cities, liberties, parishes, precincts, and places: and for amend-
 ing and reducing the laws relating thereto into one act, and for
 other purposes, hath been found insufficient to answer the good pur-
 poses intended thereby: and whereas it may tend to the safety of the
 inhabitants and prevent great inconveniencies to builders, and work-
 men employed in buildings, within the said cities, liberties, parishes,
 precincts, and places, if the regulations contained in the said act were
 repealed, and other regulations and provisions respecting such buildings
 were

were established by law: may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the several churches, chapels, meeting-houses, or other places of public worship, dwelling-houses, and all other buildings whatsoever, at any time heretofore begun or built, or which shall, at any time or times hereafter, be begun or built within the said cities, liberties, parishes, precincts, and places, on new or old foundations, or on foundations partly new and partly old, shall be distinguished by, and divided into, the seven several rates or classes of building herein-after described; and such seven several rates or classes of building shall be under the rules and directions herein-after contained concerning the same.

Buildings divided into seven rates or classes.

First rate of building.

II. And be it further enacted, That every church, chapel, meeting-house, and other place of public worship; and every house or building for distilling and brewing of liquors for sale; for making of soap, for melting of tallow, for dying, for boiling or distilling turpentine, for casting brass or iron, for refining of sugar, for making of glass for chymical works for sale, of what dimension soever the same respectively are or may be; and also every warehouse and other building whatsoever, not being a dwelling-house now built, or hereafter to be built, (except such buildings as are herein-after particularly declared to be of the fifth, sixth, or seventh rate or class of building,) which does or shall exceed three clear stories above ground, exclusive of the rooms (if any) in the roof thereof, or which is or shall be of the height of thirty-one feet from the surface of the pavement, ground, or way, above the area before either of the fronts thereof, to the top of the blocking-course or the coping on the parapet thereof; and every dwelling-house, now built, or hereafter to be built, which, with the offices thereto belonging and adjoining, or connected otherwise than by a fence or fence-wall, or covered passage, open on one or both sides, when finished, does or shall exceed the value of eight hundred and fifty pounds; and also every dwelling-house, which does or shall exceed nine squares of building on the ground-floor, each square containing one hundred superficial feet, shall be deemed the first rate or class of building.

Thicknes of external walls to the first rate.

III. And it is hereby further enacted, That every front, side, end, or other external wall, (not being a party-wall,) which shall, after the twenty-fourth day of *June*, in the year of our Lord one thousand seven hundred and seventy-four, be built to any first rate building, or to any addition thereto, or enlargement thereof, shall be built and remain, at the foundation thereof, of the thicknes of two bricks and an half in length, or one foot nine inches and an half at the least; and shall from thence regularly and gradually diminish on each side of the wall two inches and a quarter to the top of the footing of every such wall, except where any immediate adjoining building will not admit of

of such footing being made on the side of such wall next such adjoining building; in which case such footing shall be made as near to the dimensions herein directed as the case will admit; which footing shall be nine inches high at the least, and wholly below the upper surface of the pavement and flooring-boards of the cellar story two inches at the least; and every such wall shall, from the top of such footing, be of the thickness of two bricks in length, or one foot five inches and an half at the least, up to the under side of the one pair of stairs floor; and from thence of the thickness of one brick and an half in length, or thirteen inches at the least, up to the under side of the plate under the roof or gutter of every such building; and from thence of the thickness of one brick in length, or eight inches and an half at the least, up to the under side of the blocking-course or coping on the parapet of every such first rate building; except such parts of every such wall as shall be wholly of stone, which parts, so being of stone, shall be of the thickness of fourteen inches at the least below the ground-floor, and of nine inches at the least above the ground-floor; and except all recesses above the ground-floor in the said walls, which shall be arched over in every story, so nevertheless as that the arch, and the back of such recess, shall be respectively of the thickness of one brick in length, or eight inches and an half at the least.

IV. And it is hereby further enacted, That every party-wall which shall, after the said twenty-fourth day of *June*, be built to any first rate building, or to any addition thereto, or enlargement thereof, shall be built and remain, at the foundation thereof, of the thickness of three bricks and an half in length, or two feet six inches and an half at the least; and shall, from thence, regularly and gradually diminish on each side of the wall four inches and an half to the top of the footing of every such wall, which footing shall be one foot high at the least, and wholly below the upper surface of the pavement and flooring-boards of the cellar story two inches at the least; and every such party-wall shall, from the top of such footing, be of the thickness of two bricks and an half in length, or one foot nine inches and an half at the least, up to the under side of the ground-floor; and from thence of the thickness of two bricks in length, or one foot five inches and an half at the least, up to the under side of the floor of the rooms (if any) in the roof of the highest building adjoining to such party-wall; and from thence of the thickness of one brick and an half in length, or thirteen inches at the least, up to the top of every such party-wall.

Thickness of party-walls to the first rate.

V. And be it further enacted, That every warehouse, stable, and other building, not being a dwelling-house, except such buildings as are herein particularly declared to be of the first, fifth, sixth, or seventh rate or class of building, now built, or hereafter to be built, which does or shall exceed two clear stories, and shall not contain more than three clear stories above ground, exclusive of the rooms (if any) in the roof thereof, or which is, or shall be, of the height of twenty-two feet, and shall not be of

Second rate.

the height of thirty-one feet, from the surface of the pavement, ground, or way, above the area before either of the fronts thereof, to the top of the blocking-course or coping on the parapet thereof; and every dwelling-house now built, or hereafter to be built, which, with the offices thereto belonging and adjoining, or connected, otherwise than by a fence or fence-wall, or covered passage open on one or both sides, when finished, does or shall exceed the value of three hundred pounds, and shall not amount to more than the value of eight hundred and fifty pounds; and also every dwelling-house, which does or shall exceed five squares of building on the ground plan, and shall not amount to more than nine squares of building on the ground plan thereof, shall be deemed the second rate or class of building.

Thickness of
external walls
to the second
rate.

VI. And it is hereby further enacted, That every front, side, or other external wall, (not being a party-wall,) which shall, after the said twenty-fourth day of *June*, be built, to any second rate building, or to any addition thereto, or enlargement thereof, shall be built and remain, at the foundation thereof, of the thickness of two bricks in length, or one foot five inches and an half at the least, and shall from thence regularly and gradually diminish on each side of the wall two inches and a quarter to the top of the footing of every such wall, except where any immediate adjoining building will not admit of such footing being made on the side of such wall next such adjoining building; in which case such footing shall be made as near to the dimensions herein directed as the case will admit; which footing shall be nine inches high at the least, and wholly below the upper surface of the pavement and flooring-boards of the cellar story two inches at the least; and every such wall shall, from the top of such footing, be of the thickness of one brick and an half in length, or thirteen inches at the least, up to the under side of the one pair of stairs floor; and from thence of the thickness of one brick in length, or eight inches and an half at the least, up to the under side of the blocking-course or the coping on the parapet of every such second rate building; except such parts of every such wall, being above the ground-floor, as shall be wholly of stone, which parts, so being of stone, shall be of the thickness of nine inches at the least; and except all recesses above the ground-floor in the said walls, which shall be arched over, so nevertheless as that the arch, and the back of each such recess, shall respectively be of the thickness of one brick in length, or eight inches and an half at the least.

Thickness of
party-walls to
the second
rate.

VII. And it is hereby further enacted, That every party-wall which shall, after the said twenty-fourth day of *June*, be built to any second rate building, or to any addition thereto, or enlargement thereof, shall be built and remain, at the foundation thereof, of the thickness of three bricks and an half in length, or two feet six inches and an half at the least, and shall from thence regularly and gradually diminish on each side of the wall four inches and an half to the top of the footing of every such wall;

wall; which footing shall be nine inches high at the least, and wholly below the upper surface of the pavement and flooring-boards of the cellar story two inches at the least; and every such party-wall shall, from the top of such footing, be of the thickness of two bricks and an half in length, or one foot nine inches and an half at the least, up to the under side of the ground-floor; and from thence of the thickness of two bricks in length, or one foot five inches and an half at the least, up to the under side of the floor of the two pair of stairs story; and from thence of the thickness of one brick and an half in length, or thirteen inches at the least, up to the top of every such party-wall.

VIII. And be it further enacted, That every warehouse, stable, and other building, not being a dwelling-house, except such buildings as are herein particularly declared to be of the first, fifth, sixth, or seventh rate or class of building, now built, or hereafter to be built, which does or shall exceed one clear story, and shall not contain more than two clear stories above ground, exclusive of the rooms (if any) in the roof thereof, or which is or shall be of the height of more than thirteen feet, and shall not be of the height of twenty-two feet from the surface of the pavement, ground, or way above the area before either of the fronts thereof, to the top of the blocking-course or the coping on the parapet thereof; and every dwelling-house now built, or hereafter to be built, which, with the offices thereto belonging, and adjoining or connected, otherwise than by a fence or fence-wall, or covered passage open on one or both sides, when finished, does or shall exceed the value of one hundred and fifty pounds, and shall not amount to more than the value of three hundred pounds; and also every dwelling-house, which does or shall exceed three squares and an half of building on the ground plan, and shall not amount to more than five squares of building on the ground plan thereof, shall be deemed the third rate or class of building. Third rate.

IX. And it is hereby further enacted, That every front, side, end, or other external wall, (not being a party-wall, which shall, after the said twenty-fourth day of *June*, be built to any third rate building, or to any addition thereto, or enlargement thereof, shall be built and remain, at the foundation thereof, of the thickness of two bricks in length, or one foot five inches and an half at the least, and shall from thence regularly and gradually diminish, on each side of the wall, two inches and a quarter, to the top of the footing of every such wall, except where any immediate adjoining building will not admit of such footing being made on the side of such wall next such adjoining building; in which case such footing shall be made as near to the dimensions herein directed as the case will admit; which footing shall be six inches high at the least, and wholly below the upper surface of the pavement and flooring-boards of the cellar story two inches at the least; and every such wall shall, from the top of such footing, be of the thickness of one brick and an half in length, or thirteen inches at the least, up to the under side of the ground-floor; Thickness of external walls to the third rate.

floor; and from thence of the thickness of one brick in length, or eight inches and an half at the least, up to the under side of the blocking-course or coping, on the parapet of every such third rate building.

Thickness of party-walls to the third rate.

X. And it is hereby further enacted, That every party-wall which shall, after the said twenty-fourth day of *June*, be built to any third rate building, or to any addition thereto, or enlargement thereof, shall be built and remain at the foundation thereof, of the thickness of three bricks in length, or two feet two inches at the least, and shall from thence regularly and gradually diminish on each side of the wall, four inches and an half, to the top of the footing of every such wall, which footing shall be nine inches high at the least, and wholly below the upper surface of the pavement and flooring-boards of the cellar story two inches at the least; and every such party-wall shall, from the top of such footing be of the thickness of two bricks in length, or one foot five inches and an half at the least, up to the under side of the ground-floor, and from thence of the thickness of one brick and an half in length, or thirteen inches at the least, up to the top of every such party-wall.

Fourth rate.

XI. And be it further enacted, That every warehouse, stable, and other building not being a dwelling-house, except such buildings as are herein particularly declared to be of the first, fifth, sixth, or seventh rate or class of building, now built, or hereafter to be built, which does not or shall not exceed one clear story above ground, exclusive of the rooms (if any) in the roof thereof, or which is not or shall not be of the height of more than thirteen feet from the surface of the pavement, ground, or way, above the area before either of the fronts thereof to the top of the blocking-course or coping on the parapet thereof; and every dwelling-house now built, or hereafter to be built, which, with the offices thereto belonging and adjoining, or connected otherwise than by a fence or fence-wall, or covered passage open on one or both sides, when finished, does not or shall not exceed the value of one hundred and fifty pounds; and also every dwelling-house which does not or shall not exceed three squares and an half of building on the ground plan thereof, shall be deemed to be of the fourth rate or class of building.

Thickness of external walls to the fourth rate.

XII. And it is hereby further enacted, That every front, side, end, or other external wall, which shall, after the said twenty-fourth day of *June*, be built to any fourth rate building, or to any addition thereto or enlargement thereof, shall be built and remain at the foundation thereof of the thickness of two bricks in length or one foot five inches and an half at the least, and shall from thence regularly and gradually diminish on each side of the wall two inches and a quarter to the top of the footing of every such wall, except where any immediate adjoining building will not admit of such footing being made on the side of such wall next such adjoining building; in which case such footing shall be made as near to the dimensions herein directed as the case will admit, which footing shall be six inches high at the least,

least, and wholly below the upper surface of the pavement and flooring-boards of the cellar story two inches at the least; and every such wall shall, from the top of such footing, be of the thickness of one brick and an half in length, or thirteen inches at the least, up to the under side of the ground-floor; and from thence of the thickness of one brick in length, or eight inches and an half at the least, up to the under side of the blocking-course or coping on the parapet of every such fourth rate building.

XIII. And it is hereby further enacted, That every party-wall, which shall, after the said twenty-fourth day of *June*, be built to any fourth rate building, or to any addition thereto, or enlargement thereof, shall be built and remain at the foundation thereof of the thickness of two bricks in length, or one foot five inches and an half at the least; and shall from thence regularly and gradually diminish on each side of the wall two inches and a quarter to the top of the footing of every such wall; which footing shall be nine inches high at the least, and wholly below the upper surface of the pavement and flooring-boards of the cellar story two inches at the least; and every such party-wall shall, from the top of such footing, be of the thickness of one brick and an half in length, or thirteen inches at the least, up to the under side of the ground-floor; and from thence of the thickness of one brick in length, or eight inches and an half at the least, up to the top of every such party-wall.

XIV. And it is hereby enacted by the authority aforesaid, That from and after the said twenty-fourth day of *June*, every house or building thereafter to be built, and being of the first, second, third, or fourth rate or class of building herein-before directed, and not having each of them a separate and distinct side-wall on the part or parts where they are or shall be contiguous, shall have party-walls between house and house, or other buildings, or between so much of such house and house, or other buildings, as shall not respectively have such separate and distinct walls as aforesaid: and such party-walls shall extend to the outer surfaces of the external inclosures of each of the adjoining houses or buildings: and all party-walls, and also all chimneys and chimney-shafts, hereafter to be built, shall be built wholly of good sound bricks or stone, or of good sound bricks and stone together, except such timber, wood, lead, or iron work, as shall or may be laid therein, according to the directions herein-after contained, and also except such piling, bridging, or planking, as may be necessary for the foundation thereof; and every such party-wall shall be topped or coped with stone, tile, or brick, and shall be of the dimensions herein-before directed; and one half of every such party-wall between house and house, or between other buildings, shall be built on the ground or scite of one of the adjoining houses or buildings, and the other half thereof shall be built on the ground or scite of the other of the adjoining houses or buildings; and it shall be lawful for the first builder of any such party-wall, and for the workmen employed

Thickness of party-walls to the fourth rate.

Party-walls to be between house and house, and other buildings, except in such parts where each have independent walls.

in building the same, to enter upon the ground adjoining thereto, in order to the building such party wall in manner aforesaid.

All party-walls above four stories high to be built as of the first rate.

Party-walls to fourth rate houses, being four stories high, to be built as of the third rate.

Materials of divisions of different possessions in the first, second, third, and fourth rates.

Method of ascertaining the rate.

XV. Provided nevertheless, and it is hereby enacted, That every party-wall which shall after the said twenty-fourth day of *June*, be built to any dwelling-house, exceeding four stories in height from the foundation thereof, exclusive of the rooms (if any) in the roof of either of the buildings adjoining thereto, shall be built in every particular according to the directions herein-before contained with respect to the party-walls of the first rate or class of building, notwithstanding such house shall not be of the first rate or class of building; and every party-wall which shall, after the time aforesaid, be built to any dwelling-house containing four stories in height from the foundation thereof, exclusive of the rooms (if any) in the roof of either of the buildings adjoining thereto, shall be built in every particular according to the directions herein-before contained with respect to party-walls of the third rate or class of building, notwithstanding such house shall be of the fourth rate or class of building only.

XVI. And it is hereby further enacted, That every internal inclosure to be made, after the said twenty-fourth day of *June*, for separating any building of the first, second, third, or fourth rate or class of building, from any other building where such buildings shall be in separate occupations, and every addition or enlargement to such internal inclosure, shall be of brick or stone, or artificial stone or stucco, or of brick and stone, or artificial stone or stucco together; except such timber, wood, lead, or iron work, as may be laid therein, according to the directions herein-after contained for external inclosures to such first, second, third, or fourth rate or class of building, and also except such piling, bridging, or planking, as may be necessary for the foundation of the same.

XVII. And it is hereby enacted by the authority aforesaid, That in valuing the several buildings herein-before declared to be of the first, second, third, or fourth rate or class of building, for the purpose of ascertaining the rate thereof, such valuation to be made by the surveyor or surveyors to be appointed pursuant to this act, for the district in which the building is or may be situated, by as true a measure and estimation as the nature of the case will admit; and every such building shall, notwithstanding any decay therein, be estimated and valued as if the materials whereof the same consists were sound, and the work thereof new; and every such building shall be estimated and valued at the several prices the like materials and workmanship shall be worth at the time such valuation shall be made; but neither the soil whereon any such building stands, nor any fence or fence-wall, (except the railing to areas, and steps before or behind such building, made for the purpose of inclosing the said building, with the offices, yard, or appurtenances thereto belonging from any neighbouring ground,) nor any brick or stone arched vault or vaults, under the surface of the ground, either before or be-

hind

hind such building, nor any lead, covering, or pavements, over such vaults, nor such parts of the party-wall or party-walls to such building as stand upon ground not belonging to such house, shall be included in any such valuation; and in ascertaining the squares of building contained in every such building, being a dwelling-house, the same shall be taken by the surveyor or surveyors as afore said on the level of the floor, at the principal entrance to such dwelling-house, and no more than such parts of the party-walls as belong to such dwelling-house shall be included in such admeasurement: and in case the owner, or any other person interested in such building, shall apprehend him or herself to be injured by the admeasurement or valuation made by such surveyor or surveyors as afore said, it shall be lawful for such owner or other person to apply to the mayor, or any two justices of the peace for the city of *London*, if such building, or any part thereof, is situated within the said city, or otherwise to any two justices within whose jurisdiction the same is situated; and the said mayor or justices shall enquire into the matter, and shall, by his or their order, declare such building to be of such rate or class as the same shall to him or them appear to be of, according to the description of the several rates or classes hereinbefore contained; and it shall be lawful for any of the parties between whom such order shall be made to appeal to the justices of the peace at their general quarter sessions of the peace, whose order and determination shall be binding and conclusive to all parties.

Squares taken
at the level of
the entrance.

XVIII. And be it further enacted, That every dwelling-house, warehouse, stable, and other building, (except such buildings, not being dwelling-houses, as are hereinbefore particularly declared to be of the first rate or class of building,) which is or shall be at the distance of four feet, and not eight feet, from any public road, street, or causeway, and is, or shall be, detached from any other building not in the same possession therewith sixteen feet at the least, and not thirty feet, or connected with any other building only by a fence or fence-wall, shall be deemed to be of the fifth rate or class of building, and shall and may be built of any dimensions whatever.

Fifth rate of
building

XIX. And be it further enacted, That every dwelling-house, warehouse, stable, and other building, (except such buildings, not being dwelling-houses, as are hereinbefore particularly declared to be of the first rate or class of building,) which is or shall be at the distance of eight feet from any public road, street, or causeway, and is, or shall be detached from any other building not in the same possession therewith at least thirty feet, or connected with any other building only by a fence or fence-wall, shall be deemed to be of the sixth rate or class of building, and shall and may be built of any dimensions, and with any materials whatever.

Sixth rate of
building

XX. And be it further enacted, That every cranehouse, now built, or hereafter to be built, on any wharf or quay, and every shamble, windmill or watermill, and also every building which

is

is or shall be situated without the cities of *London* and *Westminster*, and the liberties thereof, used for workshops or drying-places for tanners, fell-mongers, glue-makers, fize-makers, callico-printers, whitsters, whiting-makers, curriers, leather-dressers, buckram-stiffners, oil-cloth painters, wool-staplers, throwsters, parchment-makers, and paper-makers, so long and at such times as they are or shall be used for some or one of those purposes, and no longer, shall be deemed the seventh rate or class of building, and may be built of any dimensions whatever.

Materials of
cranehouses.

XXI. And it is hereby further enacted, That every such cranehouse which shall be erected and built after the said twenty-fourth day of *June*, and every addition or enlargement to any cranehouse already built, or hereafter to be built, and every new side, new end, or other new external inclosure which shall, after the said twenty-fourth day of *June*, be made to any such cranehouse, or to any addition or enlargement thereof, shall be of stone, brick, slate, tile, oak, elm, steel, iron, or brass; but every other building of the seventh rate or class of building, may be erected of any materials whatever; and no cranehouse or other building of the seventh rate or class of building, or any external part thereof, shall, after the said twenty-fourth day of *June*, be covered with pitch, tar, or any other inflammable composition or material whatever, nor shall, after the said twenty-fourth day of *June*, be converted to any other use than as aforesaid.

No seventh
rate building
to be covered
with pitch,
tar, &c.

Detached
offices deem-
ed of the same
rate as if in-
dependent of
any other
building.

XXII. And, in order to prevent doubts which may arise concerning the rate or class of building of any office or offices now built, or hereafter to be built, belonging to any building herein-before declared to be of the first, second, third, or fourth rate or class of building, it is hereby further enacted and declared, That every such office which shall be entirely free and detached from such building to which the same belongs, or shall be connected therewith only by a fence or fence-wall, or covered passage open on one or both sides, shall be deemed to be of the rate or class of building such office would be of, if the same did not appertain to any dwelling-house or other building.

How long
old found
party-walls
may remain.

XXIII. And whereas some houses or other buildings erected or begun to be erected, before the said twenty-fourth day of *June*, may have one or more good sound party-wall or party-walls, although not built agreeable to the several rules herein-before directed to be observed concerning party-walls to be built after the said twenty-fourth day of *June*, and in such case it may happen that one of the adjoining houses may have been or may hereafter be rebuilt, without making use of such party-wall or party-walls, it is therefore hereby enacted, That every such wall may remain as a party-wall until both the houses or buildings to which the same belongs, or the remaining house or building, where one has been already rebuilt, shall be rebuilt, (if such wall shall so long continue sound,) and no longer: and that in case either of the houses or buildings to which any such party-wall does belong has been or shall hereafter be rebuilt with a wall against such party-wall (without making use of such party-wall) of the heights and thickneses herein-before prescribed

Where one
adjoining
built with in-
dependent
walls,

ed for side-walls, the proprietor of such remaining house or building shall not, when such remaining house or building, or when such old party-wall shall be taken down, be intitled to more than one half of the materials of such old party-wall, nor to more than one half of the ground on which such old party-wall was erected; nor shall such proprietor build on more than one half of the said ground, unless he shall have agreed with and satisfied the owner or owners of such adjoining rebuilt house for the other half thereof; and in case the parties cannot agree concerning the same, and both or either of them shall be desirous of buying or selling, the price, and the matters in difference, shall be settled by a jury, to be summoned, returned, and impanelled as hereafter is mentioned concerning mixed property: but if such remaining house or building be of the first, second, or third rate or class of building, or be four stories high from the foundation thereof, exclusive of the rooms (if any) in the roof thereof, and if in that case such old party-wall shall not be of the thickness of two bricks in length, or one foot five inches and an half at the least, from the foundation thereof to the under side of the ground-floor, and from thence upwards to the top thereof of the thickness of one brick and an half in length, or thirteen inches at the least; then such old party-wall shall, when either of the houses or buildings to which the same belongs shall be rebuilt, be considered as if the same had been condemned, or adjudged ruinous, pursuant to the directions herein-after contained for condemning or adjudging ruinous any unsound party-wall; or if such old party-wall shall have any timber or timbers of any adjoining building lying through the same, and if, when either of the houses or buildings to which the same belongs shall be rebuilt, the owner or owners of such adjoining or remaining house or building will not permit so much of such timber to be cut off as shall leave full six inches of clear brick work beyond the end of every such timber, then every such wall shall be considered as if the same had been condemned, or adjudged ruinous, pursuant to this act, and the same shall be taken down and rebuilt, in such manner as is herein-after directed concerning party-walls which shall be so condemned, or adjudged ruinous.

the owner of the other to have but half the materials, and half the scite of the old party-wall when pulled down.

Party-walls not being of sufficient thickness to be taken down, when one of the houses is rebuilt.

Ends of timbers lying through old party-walls to be cut off when one building is rebuilt.

XXIV. *And whereas some houses or other buildings erected, or begun to be erected before the said twenty-fourth day of June one thousand seven hundred and seventy-four, may have one or more good and sound timber partition or timber partitions between the same and the adjoining house or building, it is hereby enacted, That every such timber partition may remain until one of the adjoining houses or buildings to which the same belongs shall be rebuilt, or shall have one of the fronts which shall abutt on such timber partition, or two-third parts of one of such fronts, taken down to the bressummer or one pair of stairs floor, and rebuilt, or until such timber partition shall be condemned, pursuant to the directions herein-after contained, concerning ruinous or defective party-walls and party-partitions, and no longer.*

Timber partitions to be taken down when one house or one front is rebuilt.

XXV. *And*

External walls shall not become party-wall.

XXV. *And as a further security against fire*, it is hereby enacted, That no wall or walls of any building of the first, second, third, or fourth rate or class of building, already erected or built, or hereafter to be erected or built, or of any addition or enlargement made or to be made to any building of such first, second, third, or fourth rate or class of building, which shall not be a party-wall on the said twenty-fourth day of *June*, shall ever be or become a party-wall, unless the same shall be and remain of the heights and thickneses above the footings, and of the materials herein-before directed concerning party-walls to be erected after the time aforesaid.

Party-walls to be one foot six inches above any building which shall gable against them.

XXVI. *And, as a greater security from fire*, it is hereby further enacted, That every party-wall which shall be built after the said twenty-fourth day of *June*, and every addition or enlargement which shall be thereafter made to any party-wall then built, or thereafter to be built, shall be carried up, and remain, one foot six inches at the least above the roof of the highest building which shall gable against, or adjoin to, such party-wall, in every part of such party-wall where such building shall gable or adjoin thereto, measuring at a right angle with the back of the rafters of such roof; and every such party-wall shall be carried up and remain one foot at the least above the gutters of the highest of such buildings, except the height of such party-wall, where so carried up, shall exceed the height of the blocking-course or parapet of either of the fronts abutting on the same of the highest building adjoining thereto, in which case, the end only of every such party-wall next such blocking-course or parapet may be less than one foot above the gutter, for the distance of two feet six inches from the front of such blocking-course or parapet; and in case any dormer or other erection is or shall be fixed in the flat or roof of any building, within four feet of any party-wall, then every such party-wall shall be carried up against every such dormer or other erection, and shall extend for the breadth of at least two feet wider, and to the full height of every part of every such dormer or other erection as shall be within

What recesses may be in party-walls.

four feet of such party-wall: and no recess shall be made in any party-wall hereafter to be built to any building of the first, second, third, or fourth rate or class of building, (except for chimnies, flues, girders, and beams, and other timbers, and for the ends of walls or piers, as herein-after is directed,) so as to reduce such wall in any part thereof under the thickness by this act required for the party-wall to the highest rate or class of building to which such party-wall belongs: and there shall not be any opening whatever, after the said twenty-fourth day of *June*, made in any party-wall except for communication from one stack of warehouses to another, and from one stable building to another; all which communications shall have thereto iron doors, in such manner as is herein-after directed; and also except such passages or ways on the ground for foot passengers, cattle, or carriages as may be necessary; all which passages or ways shall be arched over with brick or stone, or brick and stone

What openings may be in party-walls.

toge-

together throughout, of the thickness of thirteen inches at the least in every building of the first and second rate or class of building, and of the thickness of eight inches and an half at the least in every building of the third or fourth rate or class of building: and if there be any cellar or vacuity under any such passage, every such cellar or vacuity shall be arched over throughout with brick or stone, or brick and stone together, in the same manner as the passage or way over such cellar or vacuity is hereby directed to be arched.

XXVII. And it is hereby further enacted, That no timbers shall, at any time, after the said twenty-fourth day of *June*, be laid into any party-arch, except for bond to the same, nor into any party-wall, other than such templets, chains, and bond-timbers, as shall be necessary for the same; and other than the ends of girders, beams, purlings, and of binding or trimming joists, or of other principal timbers; all which timbers shall have at least eight inches and an half of solid brickwork between the ends and sides of every such piece of timber and the timber of any building adjoining thereto; and the end of every girder, beam, purling, binding or trimming joist, and of every other piece of principal timber, may be laid beyond the centre of any party-wall hereafter to be built, so nevertheless as that there be left eight inches and an half at the least of solid brick or stone work at the end of every such piece of timber, except in places where any part of the ends of any such timber shall lie opposite to and level with any parts of the ends of any timber of any adjoining building or buildings, in which case, no part of such timbers shall approach nearer than four inches to the centre of the said wall.

How ends of beams may be laid into party-walls.

XXVIII. And it is hereby further enacted, That no person shall cut or maim any party-arch, nor the shaft of any chimney now built, or hereafter to be built, on any party-wall, for any purpose whatsoever; and that no person shall cut or maim any party-wall now built, or hereafter to be built, other than for the purposes and in the manner herein-after mentioned; that is to say, when the front or back wall of any house or building, being in a line with the front or back wall of the house or building adjoining thereto, shall at any time hereafter be built, it shall be lawful to cut a break not more than nine inches deep from the external face of such front or back wall and to the centre of such party-wall, for the purpose of inserting therein the end of such new front or back wall; and in every such case where a bressummer and story-posts shall be fixed in the ground story of such new front or back wall, such break may be cut from the foundation of such new front or back wall to the top of such bressummer, fourteen inches deep from the external face of such front or back wall, and the same may be four inches wide in the cellar story, and two inches wide in the ground story, for the purpose of placing therein such story posts, and bressummers, agreeable to the directions of this act: and it shall be lawful to cut into any party-wall for the purpose of tailing in stone steps,

Party-arches and party-walls not to be maimed:

for what uses party-walls may be cut into.

or

or stone landings, or for placing in such party-wall timber for bearers to wood stairs so as no timber bearer be laid into any party-wall nearer than eight inches and an half to any chimney or flue whatever, or to any timber of the adjoining house or building, or nearer than four inches to the internal finishing of such adjoining house or building, and for the purpose of laying therein stone corbels for the support of chimney jambs, girders, beams, purlings, binding or trimming joists, or of other principal timbers; and it shall also be lawful to cut perpendicular recesses into any party-wall, not being less than thirteen inches thick, for the purpose of inserting walls and piers therein, so nevertheless as that no such recess be more than fifteen inches wide, or more than four inches deep, and that no such recess be nearer than ten feet to any other recess; and it shall be lawful to cut of the footing on the side of any party-wall where either of the adjoining buildings shall be rebuilt with a wall against such party-wall; but every person who shall cut into any party-wall for any of the purposes aforesaid, shall immediately make good, and well and effectually pinn up, with brick, stone, slate, tile, shell, or iron, bedded in mortar, every defect which shall be occasioned by the cutting of any such party-wall: and no party-wall shall be cut for any of the purposes aforesaid, if the cutting thereof will injure, displace, or endanger the timbers, chimnies, flues, or internal finishings of the adjoining buildings.

Thicknes of
backs of
chimnies in
party-walls.

How chimnies
may be built
back to back
in party-walls.

How flues
may be built
back to back
in party-walls.
Thicknes of
breasts of
flues;

XXIX. And it is hereby further enacted, That the back of every chimney in every party-wall which shall, after the said twenty-fourth day of *June*, be built, shall be at least thirteen inches thick in the cellar story, and eight inches and an half thick in every other story from the hearth of every such chimney to the height of twelve inches above the mantle in every such chimney; and that no chimney which shall, after the said twenty-fourth day of *June*, be built in any party-wall where either of the buildings adjoining thereto is of the first rate or class of building, shall be built with the back thereof against the back of any other chimney, unless the back of each chimney in the cellar story be at least eight inches and an half, and the back of each chimney in any of the upper stories be at least four inches and a quarter from the centre of such party-wall: and that no chimney which shall, after the said twenty-fourth day of *June*, be built in any party-wall, where either of the buildings adjoining thereto is of the second, third, or fourth rate or class of building, shall be built with the back thereof against the back of any other chimney, unless the back of each chimney in the cellar story be at least six inches and an half, and the back of each chimney in any of the upper stories be at least four inches and a quarter from the centre of such wall: and that no flue shall be built opposite to another flue in any party-wall, unless the back of each flue be at least two inches from the centre of such party-wall: the breast of every flue which shall, after the said twenty-fourth day of *June*, be built, whether such flue be in a party-wall or not, shall be of brick or stone at least eight inches

inches and an half thick in every cellar story, and at least four inches thick in every other story: all the withs or partitions between any flues which shall, after the said twenty-fourth day of *June*, be built, shall be of brick or stone, and every such with or partition of brick shall be at least half a brick thick: and every breast and back of every chimney, and every breast, back, and with or partition of any flue hereafter to be built, shall be rendered or pargetted within and without, except the outside thereof which shall be next to vacant ground, in which case, the back of every chimney and flue next such vacant ground shall be by lime, or in some durable manner, marked and distinguished except in a fore-front, back-front, or side-front of any building not likely hereafter to be built against; and every back of every such chimney and flue so being against such vacant ground shall be rendered or pargetted as soon as any building shall be erected to such wall.

XXX. Provided always, and be it enacted by the authority aforesaid, That if any person or persons, being possessed of, or intitled unto, any part of the ground whereon a party-wall is intended to be built, shall be desirous of having chimney-jambs, breasts, and flues of chimnies, made in any such party-wall on his, her, or their part thereof, or shall be desirous of having a recess or recesses left in the said party-wall, of the several breadths and depths in and by this act allowed to be left or cut into any party-wall, for the purpose of inserting therein external or internal walls or piers, or for any other purpose allowed by this act, and of such desire shall give notice in writing under his, her, or their hands, particularly describing every such chimney-jamb, breast, and flue, and every such recess, to the builder or builders of such party-wall, or any one of them, at any time before such party-wall shall be begun to be built; then such builder or builders of such party-wall shall, after such notice so given, erect in, a proper, substantial, and workmanlike manner, such and so many chimney-jambs, breasts, and flues of chimnies, in all such parts of every such party-wall as shall be, by the person or persons giving such notice, required; and shall also leave such recesses in every such party-wall, not being in any respect contrary to the rules, regulations, and restrictions, in and by this act prescribed: and, from and after the erecting such jambs, breasts, and flues of chimnies, so required, the person or persons giving such notice, his, her, or their executors and administrators, shall be deemed to have made use of such party-wall, and shall from thenceforth be liable to pay the whole expence of erecting and setting up all such jambs, breasts, and flues of chimnies, erected in pursuance of such notice, and also such proportional part of the expence of erecting such wall, as is herein-after directed concerning party-walls to be built after the said twenty-fourth day of *June*, to be recovered in case of nonpayment with full costs of suit, in like manner as any proportion of any party-wall is by this act made recoverable by the builder thereof, from any other person liable to contribute thereto.

XXXI. And

Regulation of
party-walls,
&c. between
intermixed
property.

XXXI. *And whereas several houses and other buildings, within the limits aforesaid, are built in some part thereof over a public way, and in several houses or other buildings, within the limits aforesaid, several of the rooms or floors of such houses or buildings are the property of different owners, and lie intermixed without being separated by any party-wall, and without being arched over and under each other with brick or stone, or brick and stone throughout; be it therefore enacted, That when any house or other building, except as herein-after is excepted, so built, in any part thereof, over a public way, or any house or building, except as herein-after is excepted, having any rooms the property of different persons, and intermixed as aforesaid, shall be rebuilt, there shall be a party-wall, according to the directions herein-before contained for the highest rate or class of building adjoining thereto, with a party-arch or party-arches of the thickness of one brick and an half in length, or thirteen inches at the least, in every building of the first and second rate or class of building, and of the thickness of one brick in length, or eight inches and an half at the least, in every building of the third and fourth rate or class of building, between house and house, or other building, or between the different rooms or floors, so being the property of different persons as aforesaid.*

Party-walls
not to extend
to inns of
court, &c.

XXXII. *Provided nevertheless, That the last mentioned clause or provision relating to houses and buildings in part over public ways, or having the rooms or floors the property of different persons, shall not extend to all or any of the rooms or chambers in Serjeant's Inn in Chancery Lane, or in any of the four inns of court, or to any of the inns of chancery, or any other inns set apart for the study or practice of the law; save and except that the walls or divisions between the several rooms and chambers in such inns, belonging to and communicating with each separate and distinct stair-case, shall be deemed and taken to be party-walls within this act, and shall be subject to all and every the regulations and clauses herein contained relating to other party-walls within the limits aforesaid.*

Owners may
be compelled
to join in
building party-
walls, &c.

XXXIII. *And whereas it may sometimes happen that no party-wall or party-arch can be built upon proper foundations between such houses and other buildings, over publick ways, or having rooms or floors the property of different persons, lying intermixed, as aforesaid, without pulling down such houses or buildings, and laying parts of each to the others of such houses or buildings; and it may happen that the parties interested therein, or some or one of them, will not, or cannot, by reason of some legal disability, or otherwise, join in building such party-wall or party arches, as aforesaid, or in pulling down such houses, and laying parts of each to the other or others of such houses; in all which cases, differences may arise amongst the said several owners, and the rebuilding the same, and the said party-walls or party-arches thereof, may be thereby prevented or delayed, to the great injury or inconvenience of such of the owners as are desirous of rebuilding: for remedy thereof, and in order to prevent the fatal effects of fire, be it enacted by the authority aforesaid, That,*
in

in all and every or any of such cases, when any owner or owners of any such house or other building within the limits aforesaid, built over any public way, or intermixed as aforesaid, shall be desirous of rebuilding such house or other building, and the owner or owners of the adjoining house or building, or of the other parts of such intermixed house or building, shall not be willing, or shall not, by reason of some legal disability, or otherwise, be able to join in such rebuilding, then the party or parties, so desirous of rebuilding, shall give notice, in writing, to the owner or owners of such adjoining house or houses, or other buildings, or of the other parts of such intermixed house or building, that he, she, or they, so intending to rebuild, will apply to the court of mayor and aldermen of the city of *London* when such house or other building, or any part thereof, is situated within the said city or the liberties thereof, or to the justices of the peace for the county of *Middlesex*, or for the county of *Surrey*, or for the city and liberty of *Westminster*, or for the liberty of the *Tower of London*, respectively, within whose jurisdiction such house or other building, or any part thereof, is situated, in their respective general or quarter sessions of the peace, to be next holden, after fourteen days from the delivery of such notice, in order to obtain the judgement and determination of the said court of mayor and aldermen, or of the said court of sessions, (as the case may be), touching the rebuilding such house or houses, or other buildings, or such party-walls or party-arches, to be described in such notice, and for ascertaining the scite of a party-wall or party-walls, or the situation of any party-arches to be built according to the directions and restrictions in this act contained, by delivering a true copy of such notice to the owner or owners of such adjoining house or houses, or other buildings, or of the other parts of such intermixed house or building; or in case such owner or owners shall be under the disability of coverture, infancy, idiocy, or lunacy, then to the husband or husbands of such owner or owners under coverture, or to the guardians, trustees, or committees of such owners being under the disability of infancy, idiocy, or lunacy respectively, or by leaving the same at his, her, or their last or usual place of abode, or by delivering a true copy of such notice to the tenant in possession of such adjoining house or houses or other buildings, or of the other parts of such intermixed house or building; or in case such house or building shall be uninhabited, then by fixing such copy, wrote fair and in a legible hand, to or upon the door or some other notorious part of such adjoining or intermixed house or other building which shall be uninhabited; and in every such case, it shall and may be lawful to and for the said court of mayor and aldermen, and to and for the said court of sessions respectively, (as the case may be), and they are hereby respectively authorised and required, upon application to them by the party or parties, so desirous to rebuild, and upon such proof of such notice as they shall deem reasonable, to issue their warrant or warrants, precept or precepts, to the sheriffs of *London*, or to the sheriff of

Where owners are under disabilities, or houses are uninhabited, how differences are to be settled respecting the building of party-walls.

the said county of *Middlesex*, or sheriff of the said county of *Surrey*, or sheriff or bailiff of the liberty of his Majesty's *Tower of London*, (as the case may be), requiring them or him respectively to impanel and return a competent number of substantial and disinterested persons, qualified to serve on juries, within the respective distances to which they are summoned, not less than twenty-four, nor more than thirty-six; and out of such persons so to be impanelled, summoned, and returned, a jury of twelve persons shall be drawn by some person, by the said court of mayor and aldermen, or court of sessions respectively appointed, in such manner as juries are directed to be drawn for the trial of issues joined in his Majesty's courts of record at *Westminster*, by an act, made in the third year of the reign of his late majesty King George the Second, (intituled, *An act for the better regulation of juries*); which persons so to be impanelled, summoned, and returned, are hereby required to come and appear before the said court of mayor and aldermen, or before the said court of sessions for the said county of *Middlesex*, or county of *Surrey*, or city and liberty of *Westminster*, or the liberty of his Majesty's *Tower of London*, (as the case may be), at such time and place as in such warrant or warrants, precept or precepts, shall be appointed, and there to attend from day or day, until discharged by the court; and all parties concerned, shall and may have their lawful challenges against any of the said jury, but shall not be at liberty to challenge the array; and the said court of mayor and aldermen, and any of the said courts of sessions, for the said county of *Middlesex*, or *Surrey*, or city and liberty of *Westminster*, or liberty of the *Tower of London*, is and are hereby authorised and impowered, by precept or precepts, from time to time, as occasion may require, to call before them respectively all and every person and persons who shall be thought proper or necessary to be examined as a witness or witnesses before them, on oath, concerning the premises; and either of the said courts, if they think fit, shall and may likewise authorise the said jury to view the place or places in question, in such manner as they shall direct, and shall have power to command such jury, and all such witnesses and parties as shall be necessary or proper to attend, until all such affairs for which they are summoned shall be concluded; and the said jury, upon their oaths, (which oaths, as also the oaths to persons called upon to give evidence, the said courts are hereby respectively impowered and required to administer), shall enquire and try, and determine by their verdict, whether the premises, in any of the cases aforesaid, ought to be rebuilt or not; and if the same ought to be rebuilt, shall award and determine the site of a party-wall or party-walls, and also what party-arches may be necessary over or under any rooms of such house or houses, or other buildings, so intended to be rebuilt, or shall ascertain the quantity of the soil or ground or other parts of the premises (if any) necessary to be laid to or taken from the house of the person or persons desirous to rebuild, permitting such person or persons to erect a party-wall or party-walls,

Jury to determine what proportion of expence shall be paid by the owners of the adjoining premises.

party-walls, party-arch or party-arches; and shall ascertain and award what (if any) compensation should be made, and paid, by either or any of the said parties in difference to the other or others of them, in lieu of the lessening either of the said houses or other buildings by such party-wall or party-walls, party-arch or party-arches, or as a satisfaction for such other injury (if any) as shall be done, or occasioned thereby to any or either of the said parties; and shall also ascertain and award what proportion of the expence of building such party-wall or party-walls, party-arch or party-arches, shall, when the same are so built, be repaid by either or any of the parties in difference to the person or persons so rebuilding as aforesaid: and the said court of mayor and aldermen, and the said court of sessions respectively, shall give judgement according to such verdict, as well for determining the scite of such intended party-wall or party-walls, party-arch or party-arches, as also for such sum or sums of money (if any) so assessed by the said jury, and likewise for such proportion of the expence of building such party-wall or party-walls, party-arch or party-arches, so found or awarded by the said jury, to be repaid to the person or persons who shall rebuild or shall have rebuilt the same; and shall and may (if they see fit) award to either of the parties such costs as they shall deem reasonable; which verdict or verdicts, and the judgement, order, or determination thereupon, shall be binding and conclusive against all and every person and persons, bodies politick and corporate, claiming any estate, right, title, trust, use, or interest in, to, or out of the said premises, or any part thereof, either in possession, reversion, remainder, or expectancy, as also against the King's most excellent majesty, his heirs and successors, and against infants and issue unborn, persons in reversion or remainder, lunatics, idiots, and femes-covert, and persons under any other legal incapacity or disability, and against all trustees and cestuique trusts, his, her, and their successors, heirs, executors, and administrators, and against all other persons whomsoever: and all and every the said verdicts, judgements, orders, and determinations, and all other proceedings of the said court of mayor and aldermen and court of sessions, so to be made, given, and pronounced, as aforesaid, shall be, by the town clerk of the city of *London*, or by the clerk of the peace for the said county of *Middlesex* or *Surrey*, or the city and liberty of *Westminster*, or the proper officer of the liberty of the said *Tower of London*, (as the case may be), entered and filed as of record of the said court where such proceedings shall have been had, (for the entry and filing whereof, and for every order of court, and copy thereof, the said town clerk, or clerk of the peace, or other proper officer, shall be paid after the rate of twelve pence for every one hundred words, and no more); and each of them, the said town clerk, and clerk of the peace, or other proper officer respectively, is hereby impowered and required to make and deliver to any person requiring the same, an exemplification, under his hand and seal, of any such verdict, judgement,

Court to give judgement according to verdict;

and judgement to be binding.

Verdict, &c. to be recorded by town clerk, or clerk of the peace.

Within fourteen days after judgement, and payment or tender of the money awarded the owner of the intermixed house may pull it down ;

and also may enter the adjoining building in the presence of a peace officer ;

and may remove goods and furniture.

Persons hindering the workmen, or damaging the work, to forfeit 10l.

ment, order, and determination, being paid for the same after the rate of twelpence for every one hundred words; and every such exemplification shall and may be taken and read as evidence in all courts of law and equity whatever: and after the expiration of fourteen days from and after the obtaining such judgement, and payment, or tender, in manner herein-after directed, of the sum or sums of money (if any) thereby assessed or awarded, or, where no sum of money shall be so assessed or awarded, after the expiration of fourteen days from and after the obtaining such judgement, the person or persons who shall have applied for, and obtained such judgement, his, her, or their heirs, executors, or administrators, servants, or workmen, shall and may pull down his, her, or their own house or other building, and rebuild the same, in the manner so ascertained by such judgement; and to that end shall and may, in the presence of a constable or headborough, or other officer of the peace, after the end of fourteen days after such judgement order and determination, shall have been obtained, enter upon the scite of the ground so ascertained for a party-wall or party-walls, party-arch or party-arches, and into the house or other building (if any be) adjoining to the house or party-wall or party-walls, party-arch or party-arches, intended to be rebuilt, at any time between the hours of six in the morning and seven in the afternoon, (*Sundays* excepted); and if the outer door of such house or other building be shut, and the occupier, or any other person therein, refuse to open the same, being thereunto required, or if such house or other building be empty and unoccupied, shall and may break open such outer door, and remove to some other part of the same premises, or in case there be no room on the premises sufficient for that purpose, to remove to any other place, any goods, furniture, shelves, or other thing obstructing the building of such intended party-wall or party-walls, party-arch or party-arches, or the pulling down any wall, partition, or other thing necessary to be pulled down and removed, in order to the building such intended party-wall or party-walls, party-arch or party-arches; and from and after such entry as aforesaid, and at all usual times of working, it shall be lawful for the builder or builders employed to erect such intended party-wall or party-walls, party-arch or party-arches, and his and their servants, and all others employed by him or them, to enter into and upon the premises, and abide therein the usual times of working, for the thoring up the said house or other building so broke into or entered upon, and for taking down and removing any party-wall or party-walls, partition, wainscot, or other thing necessary to be taken down and removed for the purpose aforesaid, and to build such intended party-wall or party-walls, party-arch or party-arches: and if any such owner or occupier, or other person or persons, shall in any manner hinder or obstruct any workman or workmen employed for any of the purposes aforesaid, or wilfully damage or injure the said works, every such owner or occupier, or other person so offending, shall, for every such

such offence, forfeit and pay the sum of ten pounds; to be levied, recovered, and applied, as the several penalties of ten pounds hereinafter mentioned are directed to be levied, recovered, and applied.

XXXIV. Provided also, and it is hereby further enacted, Builders to be repaid a part of the expence according to the verdict.
That within ten days after such party-wall or party-walls, party-arch or party-arches, shall be so built, the person or persons who shall have rebuilt the same, his, her, or their executors, administrators, or assigns, shall leave a true account in writing of the expence of building the same with the party or parties so awarded by the jury as aforesaid, to contribute to the expence thereof, or at his, her, or their last or usual place of abode; or, in case such party or parties be under coverture, to her or their respective husbands; or if infants, idiots, or lunatics, then to their respective guardians, trustees, or committees; or in the case of any body corporate being so awarded to contribute as aforesaid, then to the mayor or other officer of such corporation; who shall pay to the person or persons who shall have rebuilt such party-wall or party-walls, party-arch or party-arches as aforesaid, his, her, or their executors, administrators, or assigns, the proportion of the expence of building the same so awarded by the said jury as aforesaid, within twenty-one days after demand thereof; or, in case the same be not so paid, it shall be lawful for the tenant or occupier of the house or building so chargeable therewith to pay the same, and to deduct the money so paid out of the next rent which shall become due to the owner or owners of such house or building; or the same may be recovered from the party or parties so awarded to pay the same by action of debt, bill, plaint, or information, in any of his Majesties courts of record at *Westminster*, with double costs of suit.

XXXV. Provided always, and it is hereby further enacted, Court of mayor and aldermen may be held in the outer chamber of guildhall.
That all the powers and authorities by this act vested in the court of mayor and aldermen of the city of *London*, may be lawfully exercised by the court of mayor and aldermen of the said city, to be holden in the outer chamber of the guildhall of the said city, according to the custom of the said city.

XXXVI. Provided always, and be it further enacted by the authority aforesaid, That upon every application to the general Sessions for Surrey to be holden at Southwark.
That upon every application to the general quarter sessions of the peace for the said county of *Surrey*, for or concerning any matter to be by such quarter-sessions ordered, directed, or done, in pursuance of this act, the jury (if any) to be impanelled, and all parties required to attend the quarter-sessions for the said county, pursuant to such application, shall be impanelled and required to attend at some general or special adjournment of the said quarter sessions, within six weeks next after such application; which said adjournment shall be to some convenient place in the *Borough of Southwark*, in the said county, to be appointed by the justices in the said sessions; and that, from time to time, every further meeting of the said sessions, for any thing to be done upon such application, shall be appointed

at, or within the space of three weeks from the last meeting; which adjournment and adjournments the justices of the peace for the said county of *Surrey*, and every of them, are hereby impowered and required to make and hold, from time to time, as there shall be occasion.

Court may
fine the sheriff
or under she-
riff making
default, and
also any wit-
ness making
default.

XXXVII. And be further enacted by the authority aforesaid, That it shall and may be lawful to and for the said court of mayor and aldermen, and to and for any or either of the aforesaid courts of sessions, (as the case may be), and they are hereby impowered and required, from time to time, to impose any reasonable fine or fines on any of the said sheriffs or sheriff, or their or his deputy or deputies, making default in the premises, and on any of the persons who shall be summoned and returned on such jury, and shall not appear at the time and place in such summons specified, or, appearing, shall refuse to be sworn on such jury, or to give his or their verdict, or in any manner wilfully neglecting his or their duty therein, contrary to the true intent and meaning of this act; and on any of the persons having notice to attend to give evidence touching the premises, who shall not attend, or attending shall refuse to be sworn, examined, and give evidence; and from time to time, in default of payment thereof on demand, to levy such fine or fines in such manner as other fines set by the said courts respectively have been usually levied; so that no fine shall exceed the sum of ten pounds upon any one person for any one offence; and such fine or fines, when so received, or levied and recovered, shall be applied to and for the use of the person or persons so applying to the said court of mayor and aldermen, or to the said courts of sessions, (as the case may be), and to and for no other use or purpose whatsoever; and if such person or persons, have notice to attend and give evidence as aforesaid, shall not attend and give evidence accordingly, having had ten days previous notice in writing thereof under the hands of the party on whose behalf such evidence shall be wanted, his guardian, trustee, committee, attorney, or agent, and having been tendered his reasonable charges and expences for such attendance, he, she, or they, so neglecting or refusing to give evidence, shall be liable to an action on the case, to be brought against him, her, or them respectively by the party or parties on whose behalf any such notice to attend as aforesaid shall have been given; in which the plaintiff or plaintiffs shall recover their damages occasioned by such nonattendance, with full costs of suit; and such and no other justification or excuse shall be allowed for nonattendance, as is by law allowable for the nonattendance of witnesses legally summoned to appear and give evidence on trials of issues joined in any of his Majesty's courts of record at *Westminster*: provided, the court where such witness or witnesses shall appear may (if they shall think fit) order such further sum to be paid to such witness or witnesses respectively, for their attendance on such courts respectively, as to them shall seem reasonable, in proportion to the time such witness or witnesses shall attend; and

and such witness or witnesses shall not be compelled to give evidence before such further sum or sums, (if any), as shall be so ordered, shall be paid to them respectively.

XXXVIII. *And whereas it may happen that party-walls or party-arches, or party fence-walls, built or to be built within the limits aforesaid, may be defective, or so far out of repair as to render it necessary to pull down and rebuild the same, or some part or parts thereof, as well when both or either of the adjoining houses or other buildings may not require to be rebuilt, as when the said houses or buildings, or one of them, may require to be rebuilt; be it enacted by the authority aforesaid, That from and after the said twenty-fourth day of June, every owner of any house or building within the limits aforesaid, who shall think it necessary to repair, pull down, or rebuild any party-wall or party fence-wall, or any part or parts thereof, between any such house or building, or the ground thereto adjoining, and the next adjoining house or building, or the ground thereto adjoining, shall (in case the owner or owners of such adjoining house, building, or ground, will not, or by reason of any legal disability or otherwise, cannot agree, touching the repairing, or pulling down or rebuilding, the same) give three months notice in writing to the owner, if he is known, and can be met with, or if such owner or owners be under coverture, to her or their husbands respectively, or if under the disability of infancy, idiocy, or lunacy, to the guardian or guardians, trustee or trustees, committee or committees, of such infant, idiot, or lunatic respectively, or otherwise to the occupier of such adjoining house, building, or ground, of such his or her intention to repair, or pull down, such party-wall, party-arch, or party fence-wall, or any part thereof, by delivering a copy of such notice to such owner or occupier, or other person or persons as aforesaid, or by leaving the same at his, her, or their last or usual place of abode, or, if such adjoining house or building be unoccupied, by fixing a copy of such notice on the door of such last-mentioned house or building; which notice shall be in the form or to the effect following:*

Old party-walls and party-arches when decayed, may be rebuilt,

the proprietors pulling down such party-walls or party-arches giving three months notice.

APPREHENDING *the party-wall, party-arch, or party fence-wall, or some part thereof, (as the case shall be), between the house or building, or ground (as the case shall be), thereto adjoining, situate* *inhabited* *and my house or building, or ground (as the case shall be) adjoining thereto, to be so far out of repair as to render it necessary to repair or pull down and rebuild the same, or some part thereof: take notice, that I intend to have the said party-wall, party-arch, or party fence-wall, (as the case shall be), surveyed, pursuant to an act of parliament made in the fourteenth year of the reign of King George the Third; and that I have appointed* *of* *and* *my surveyors, to meet* *(being at some place within* *the*

at in of (being at some place within the

the limits aforesaid,) on my behalf, on the day of
 next, at of the clock in the of the same day :
 (being between the hours of six in the morning and six in the
 afternoon ;) and I do hereby require and call upon you to appoint two
 other surveyors or able workmen on your part, to meet them at the
 time and place aforesaid, to view the said party-wall, party-arch, or
 party fence-wall, (as the case shall be), and to certify the state and
 condition thereof, and whether the same, or any part thereof, ought
 to be repaired or pulled down and rebuilt. Dated this
 day of

Surveyors to
 be appointed
 to view party-
 walls and par-
 ty-arches.

And every such owner, if he is known, and can be met with,
 or in case such owner be under any disability, as aforesaid ;
 then such person or persons, as aforesaid, to whom such notice
 shall be so given, or otherwise the occupier to whom such no-
 tice shall be so given, shall appoint two surveyors or able work-
 men to meet at the time and place in such notice mentioned ;
 and they, together with the two surveyors or workmen named
 by the party giving such notice, and whose names shall be ex-
 pressed in such notice, may view such party-wall, party-arch,
 or party fence-wall, and certify the state and condition thereof,
 and whether the same, or any part thereof, ought to be re-
 paired, or pulled down and rebuilt ; and such surveyors, so re-
 spectively named, as aforesaid, or, in case the owner or occupier
 of such adjoining house or building, or such other persons, as
 aforesaid, having notice, as aforesaid, shall refuse or neglect to
 name such two surveyors or able workmen, according to such
 notice, then the two surveyors or workmen named in such no-
 tice, together with two other surveyors or able workmen, also
 to be named by the party giving such notice as aforesaid, shall
 and may, within six days after the time appointed in such no-
 tice, view the party-wall, party-arch, or party fence-wall, in-
 tended to be repaired or pulled down ; and shall certify, in wri-
 ting, under their hands, to the said court of mayor and alder-
 men, or to the said justices of the peace in their next general or
 quarter sessions of the peace respectively, (as the case may be),
 the state and condition of such party-wall, party-arch, or party
 fence-wall, and whether the same, or any part thereof, ought
 to be repaired, or pulled down and rebuilt : and in case the ma-
 jor part of the surveyors or workmen, appointed in manner a-
 foresaid to view such party-wall, party-arch, or party fence-wall,
 so intended to be repaired, or pulled down, shall not, within the
 space of one month next after such appointment, sign such cer-
 tificate in writing ; then, and in every such case, it shall and
 may be lawful to and for any one or more of his Majesty's jus-
 tices of the peace for the said city of London, or county of Mid-
 dlesex or Surrey, or city and liberty of Westminster, or liberty of
 his Majesty's Tower of London, (as the case shall be), and such
 one or more justice or justices is and are hereby authorised and
 required, upon application to him or them for that purpose by
 the party giving such notice, as aforesaid, to name and appoint
 one

If the major
 part of the
 surveyors do
 not certify
 within one
 month, ano-
 ther surveyor
 to be named
 by a justice.

one other able surveyor or workman to be added to the surveyors or workmen, appointed as aforesaid; and all the said surveyors or workmen so appointed, or the major part of them, shall meet for that purpose, (six days notice having been given to or left at the dwelling-house of each and every of them of such intended meeting), and shall view the party-wall, party-arch, or party fence-wall, so proposed to be repaired or pulled down: and, in case the major part of such surveyors or workmen, appointed in manner aforesaid, shall certify, in writing under their hands, that the party-wall, party-arch, or party fence-wall, described in such notice, or any part thereof, is decayed and ruinous, or is not sufficiently secure against fire, if any should happen, and that the same ought to be repaired or pulled down; then within three days next after such certificate made by such major part of the said surveyors or workmen, as aforesaid, a copy thereof shall be delivered to the owner or occupier, owners or occupiers of, or left at such adjoining house or building, or fixed on the door thereof, in case the same be unoccupied; and such certificate shall be immediately filed with the clerk of the peace in the city, county, or liberty where such wall or arch is situate, paying such clerk one shilling for filing thereof, and no more: and such last-mentioned owner or occupier, owners or occupiers, shall and may, (if he, she, or they, think fit), appeal from or against such certificate to the next general or quarter sessions to be holden for the city, county, or place, (as the case may be); and the justices, at the said general or quarter sessions, to which such appeals shall be made, shall summon before them one or more of such surveyors or workmen, and such other person or persons as they think fit, and shall examine the matter upon oath, which oath or oaths they are hereby empowered to administer; and upon such examination or examinations, the said justices are hereby authorized and required to make such order or orders in the premises as they in their discretions shall think to be just and reasonable; which order or orders shall be entered and filed of record by the clerk of the peace for the city, county, or place, (as the case may be), in like manner as the judgements of any court of sessions concerning intermixed property are herein-before directed to be entered and filed of record; and the determination of the said justices shall be final and conclusive to all parties, without any appeal from the same: and, on default of appealing to such next general or quarter sessions, as aforesaid; or if, upon any appeal, there be no order made to the contrary; then, and in every such case, and not otherwise, it shall be lawful for the party intending to repair, or pull down and rebuild, such party-wall, party-arch, or party fence-wall, as aforesaid, after the expiration of fourteen days after delivering or leaving the copy of such certificate, as aforesaid; or after the determination of such appeal, as aforesaid, to cause such party-wall, party-arch, or party fence-wall, or any parts thereof, to be repaired or pulled down, and to have and exercise the like power of entry into or upon the adjoining house or houses, building or buildings,

Walls being certified by the surveyors to be ruinous, a copy of the certificate to be delivered to the owners, &c. in three days.

Owners thinking themselves aggrieved may appeal to the general quarter sessions;

whose determination shall be final.

Powers of parties intending to repair, &c. in default of appeal.

buildings, or of breaking open the same, in the presence of a peace officer, in case the same be unoccupied, or be refused to be opened, and of removing wainscot, shelves, furniture, and other things, and of shoring up the said adjoining house or houses, building or buildings, as is given or allowed to the owners of intermixed houses or buildings in and by this act; and shall and may erect and build a new party-wall or party-walls, party-arch or party arches, or any part or parts thereof, of such materials, and of such thickness and height, and in such manner, and subject to such restrictions and directions, as are in and by this act prescribed.

XXXIX. *And whereas several old houses and other buildings of the first, second, and third rate or class of building within the limits aforesaid, have, instead of party-walls of the respective thicknesses herein before directed for the same, between such houses or other buildings and the adjoining houses or buildings, party-walls, not being of greater thickness than one brick and an half in length, or thirteen inches, from the foundation to the ground floor thereof, or than one brick in length, or eight inches and an half, from thence to the coping thereof: and whereas disputes may arise concerning the pulling down such old party-walls, and concerning the building party-walls agreeable to the rules and directions herein contained, in the place and stead of such old party-walls, whenever the owner or owners of any or either of the houses or buildings adjoining to any such party-wall may be desirous to rebuild any such house, or rebuild any such house or building of the first, second, or third rate or class of building, or so much thereof as may subject the same, or the party-walls thereto, to the rules and regulations contained in this act; be it enacted by the authority*

Owners of houses of the first, second, and third class shall give three months notice in writing before pulling down old party-walls.

That if the owner or owners of any house or building of the first, second, or third rate or class of building, to which any such old party-wall belongs, shall be desirous of pulling down and rebuilding such house or building, or so much thereof, as aforesaid, and of such his, her, or their desire shall give three months notice, in writing, to the owner or owners, occupier or occupiers, of the next adjoining house or building, of his, her, or their intention, in three months from the date thereof, to pull down such party-wall, and in stead thereof, to build a party-wall agreeable to this act of parliament; then, and in that case, from and after the expiration of the three months expressed in such notice, it shall be lawful for the owner of such house or building, so intended to be rebuilt, to pull down the said party-wall, and to have and exercise the like power of entering into and upon the said adjoining house or building, or of breaking open the same, in the presence of a peace officer, in case the same be unoccupied, or be refused to be opened, and of removing any wainscot, shelves, furniture, or other things, and of shoring up the said adjoining house or building, as by this act is given and allowed to the owners of intermixed houses or buildings; and shall and may, in the place and stead of every such old party-wall, build a new party-wall, of such materials, thickness, and

and height, and in such manner, and subject to such restrictions and directions, as are in and by this act prescribed.

XL. *And whereas several old houses, or other buildings, within the limits aforesaid, have, instead of a party-wall between such house or other building, or between such houses or other buildings and the houses or other buildings and ground adjoining thereto, one timber or wood partition, or two old timber or wood partitions, with or without brick nogging, in one or more of the stories thereof, one belonging to each house or other building: and whereas disputes may arise concerning the pulling down such partitions, and the wall or walls under or over the same, if any such there be, and concerning the building party-walls, agreeable to the rules and directions herein contained, in the place and stead of such partition or fence, whenever it may be expedient to rebuild any such house or building, or so much thereof as may subject the same, and the partitions abutting on the same, to the rules and regulations contained in this act; be it enacted by the authority aforesaid, That if the owner or owners of any house or building to which any such timber or wood partition or partitions, or wooden fence belongs, shall be desirous of pulling down and rebuilding such house or building, or so much thereof as aforesaid, and of such his, her, or their desire, shall give three months notice to the owner or owners, occupier or occupiers, of the next adjoining house or building, of his, her, or their intention to pull down such timber or wood partition or partitions after the end of three months after the date of such notice, and instead thereof to build a party-wall or party-walls, agreeable to this act of parliament; then, and in that case, from and after the expiration of the three months expressed in such notice, it shall be lawful for the owner of such house or building so to be rebuilt, to pull down the said partition or partitions, and the wall or walls under or over the same, if any such there be, and the said wooden fence or fences, and to have and exercise the like power of entry into and upon the said adjoining house or building and ground, or of breaking open the same in the presence of a peace officer, in case the same be unoccupied, or be refused to be opened, and of removing any wainscot, shelves, furniture, or other things, and of shoring up the said adjoining house or building, as by this act is given and allowed to the owners of intermixed houses or buildings; and shall and may, in the place and stead of such partition or partitions, and of the wall or walls under or over the same, if any such there be, or of such wooden fence or fences, build a new party-wall or party-walls, of such materials, thickness, and height, and in such manner, and subject to such restrictions and directions, as are in and by this act prescribed.*

Owners of houses having partitions of wood, may give three months notice to owners of adjoining houses of their design to pull down the same, &c.

and afterwards may pull down the said partitions, remove furniture, &c. as before directed.

LXI. *And be it further enacted by the authority aforesaid, That the person or persons, at whose expence any party-wall or party-arch shall be built agreeable to the directions of this act, shall be reimbursed by the owner or owners who shall be intitled to the improved rent of the adjoining building or ground, and who shall, at any time, make use of such party-wall or party-arch.*

How owners are to be reimbursed part of their expence, and in what proportion, who have built said partitions party- or party-walls.

party-arch, a part of the expence of building the same, in the proportion after mentioned; that is to say, If the adjoining building then erected, or afterwards to be erected, be of the same rate or class of building as, or superior to, the building belonging to the person or persons at whose expence the said party-wall was built, then the owner or occupier of such adjoining building or ground shall pay one moiety of the expence of building so much of the said party-wall or party-arch as such owner or occupier shall make use of; and if the adjoining building then erected, or afterwards to be erected, be of an inferior rate or class of building, then the owner or occupier of such adjoining building or ground shall pay a sum of money equal one moiety of the expence of building a party-wall or party-arch of the thickness by this act required for the rate or class of building whereof such adjoining building shall be, and of the height and breadth of so much of the said party-wall or party-arch as such owner or occupier shall make use of: and, in the mean time, and until such moiety or other proportional part of the expence of building such party-wall or party-arch be so paid, the sole property of such whole party-wall or party-arch, and of the whole ground whereon the said party-wall shall stand, shall be vested entirely in the person or persons at whose expence the same shall be built: and such moiety, or other proportional part of the expence of building such party-wall or party-arch shall be so paid to the person or persons at whose expence the same shall be built, or in whom the property thereof shall be vested at the times herein-after mentioned; that is to say, In respect of every such party-wall to any house or building whereunto, at the time of building the same, no other house or building was adjoining, so soon as such party-wall shall be first cut into or made use of; and in respect of every such party-wall or party-arch as shall be built against, or adjoining to, any other house or building, so soon as such party-wall or party-arch shall be completely built and finished: and in respect of such last-mentioned party-wall or party-arch, the owner or occupier of such adjoining house or building shall, together with such proportional part of the expence of building such party-wall or party-arch, also pay a like proportional part of all other expences which shall be necessary to the pulling down the old party-wall, or timber or wood partition, and the whole of all the reasonable expences of shoring up such adjoining house or building, and of removing any goods, furniture, or other things, and of pulling down any wainscot or partition, and also all such costs, if any, as may have been awarded by the said court of mayor and aldermen, or court of sessions, as aforesaid; but not any part of the expence of pulling down and clearing away any such old party-wall or party-arch, or old partition, if any such there was: and it is hereby directed, that the expence of building such party-wall or party-arch shall be estimated after the rate of seven pounds fifteen shillings by the rod, for the new brick-work, deducting thereout after the rate of twenty-eight shillings by the rod for the materials (if any) of so much

Until payment of expence, the property of the party-walls, &c. vested in the builder.

When a proportional part is to be paid.

Rates for building of party-walls.

much of the old wall or arch as did belong to such adjoining building or ground, and also after the rate of two-pence by the cubical foot for the materials (if any) of so much of the old timber partition as did belong to such adjoining building or ground: and that within ten days after such party-wall or party-arch shall be so built, or so soon after as conveniently may be, such first builder or builders shall leave, at such adjoining house or building, a true account, in writing, of the number of rods in such party-wall or party-arch for which the owner or owners of such adjoining building or ground shall be liable to pay, and of the deduction which such owner or owners shall be intitled to make thereout, on account of such materials, and also an account of such other expences and costs as aforesaid; whereupon it shall be lawful for the tenant or occupier of such adjoining building or ground to pay one moiety, or such proportional part, as aforesaid, to such first builder or builders for the same, and also for shoring and supporting such adjoining building as aforesaid, and for all such other expences as are herein-before directed to be paid by the owner or owners of such adjoining building or ground, and to deduct the same out of the rent which shall become due from him or her to such owner or owners, under whom he or she holds the same respectively, until he or she shall be reimbursed the same: and in case the same be not paid within twenty-one days next after demand thereof, then the same shall and may be recovered, together with full costs of suit, of and from such owner or owners, by action of debt, or on the case, in any of his Majesty's courts of record at *Westminster*; wherein no effoin, protection, or wager of law, or more than one imparlance, shall be allowed: and if the plaintiff or plaintiffs, in any such action, shall, three calendar months at the least before the commencement thereof, give notice in writing to the person or persons against whom such action is intended to be brought, of his, her, or their intention to bring the same, or leave the same at his, her, or their last or usual place of abode, and shall in such notice specify the sum for which it is to be brought, and also annex to such notice a bill of the just and true particulars of the expences and charges with which the intended defendant or defendants is or are to be charged; then such plaintiff or plaintiffs, if he, she, or they, recover the full sum specified in such notice, shall also recover and be intitled to double costs of suit, and shall have and be intitled to the like remedies for recovery thereof, as are usually given for costs in other cases of costs at law.

XLII. And be it further enacted by the authority aforesaid, That every party-wall hereafter to be built, and every addition which shall be made thereto, or to any party-wall which is already built or begun, shall be built agreeable to the directions herein contained concerning the party-wall of the highest rate or class of building to which such party-wall shall adjoin, when such additions are completed; and that no party-wall now built, or hereafter to be built, shall, after the same and the build-

Ten days after party-wall is finished, an account to be left with the owner of adjoining buildings what he is liable to pay.

How expence may be recovered.

If the plaintiff before action gives three months notice,

and recovers his whole charge, he shall be intitled to double costs.

Party-walls shall be such as are required for the highest rate of building adjoining, and not to be of less thickness,

ings

and may be raised by the owner of one side.

If the owner of the other side make use of it, he must contribute to the expence.

Party fence-walls may be raised by the owner of one side, but not to be used as a party-wall unless of sufficient thickness, &c. Owner of one side may take down a party fence-wall, and build a party-wall.

If the owner of the other side uses it other than as a party fence-wall, he must contribute to the expence.

First builder not to lose any right of soil on account of party-wall not being half on each ground.

ings adjoining thereto is and are compleated, be raised, unless the same when raised be of the full thickness such party-wall is of in the story next under the roof of the highest adjoining building; nor shall any party-wall hereafter be raised, unless the same can be done with safety to such wall, and the several buildings adjoining thereto; but all such party-walls as will, when raised, be of the materials, heights, and thicknesses herein-before required, or as can be safely raised, may, together with the shaft or shafts of the chimnies belonging thereto, be raised by and at the expence of the proprietor or occupier of any building, to which the same belong, to any height he, she, or they, shall think proper; but if the proprietor or occupier of any building adjoining to the said party-wall and chimney shafts, shall make use of any part of such party-wall and chimney shaft, other than the use he makes of the chimney flues therein, which shall be so raised, then such person so making use thereof, for the part so used, shall be chargeable with a proportionable share of the expence of raising such party-wall and chimney shafts; and in computing such charge the same shall be rated in manner herein-before mentioned, and the proportion such person shall be liable to pay shall be recovered in such manner as is herein-before particularly declared concerning the first building of a party-wall.

XLIII. Provided always, That any party fence-wall, now built, or hereafter to be built, may be raised by and at the expence of the proprietor or occupier of the ground on either side adjoining thereto; but no party fence-wall shall hereafter be built upon, or against, or used as a party-wall, unless the same be of the materials, height, and thickness, herein-before directed for party-walls, to the rate or class of building so to be erected against or upon the same: and in case of the insufficiency of such wall for the purposes aforesaid, or if instead of such party fence-wall there be only a wooden fence, the proprietor or occupier of either of the adjoining premises shall be at liberty, at his own expence, to take down such wall or fence, and erect a new party-wall in lieu thereof, making good every damage that may accrue to the adjoining premises by such rebuilding, so nevertheless as that such new party-wall shall not extend on the surface of such adjoining ground more than seven inches beyond the centre line of such party fence-wall or fence; but no proprietor or occupier of such adjoining premises shall make use of such party-wall, otherwise than as a party fence-wall, unless he, she, or they, pay a proportionable share of the whole expence of erecting such parts of such wall, according to the use he, she, or they, shall make of the same, at the rates aforesaid.

XLIV. Provided also, That in case any such party-wall shall extend further upon the ground of the party building the same than the party fence-wall did, yet the party rebuilding the same shall not thereby lose any part of the soil whereon such party-wall shall be built; nor shall the owner or owners of the other part of such party-wall claim, or be intitled to, any right of soil, more than what he was before intitled to,

XLV. And

XLV. And be it enacted by the authority aforesaid, That if the fore-front and bank-front of any building now built, shall, after the said twenty-fourth day of *June*, be rebuilt as low as the bressummer, or one pair of stairs floor, within the space of five years from each other, the party-walls of every such building shall, from thenceforth, be in all respects subject to the several regulations herein-before contained concerning the party-walls of houses to be built after the said twenty-fourth day of *June*: and for the further prevention of fire, the back of every chimney to be built after the said twenty-fourth day of *June*, in any building of the first rate or class of building, not being in a party-wall, shall be in the cellar story at least thirteen inches thick from the hearth, to the height of twelve inches above the mantle; and shall be at least eight inches and an half thick from the hearth to the height of twelve inches above the mantle in every other story, except where any such chimney shall be built against a wall, in which case the back of every such chimney, from the hearth to the height of twelve inches above the mantle, may be half a brick thinner: and that the back of every chimney hereafter to be built in any building of the second, third, or fourth rate or class of building, not being in a party-wall, shall be in every story at least eight inches and an half thick, from the hearth to the height of twelve inches above the mantle, except where any such chimney shall be built against a wall, in which case the back of every such chimney from the hearth to the height of twelve inches above the mantle may be half a brick thinner: and that there shall be no timber whatever over the opening of any chimney, to be built after the time aforesaid, for supporting the breast of such chimney; but there shall be an arch of brick or stone, or an iron bar or bars over the opening of every such chimney, to support the breast thereof: and that no timber shall, after the said time, be laid in any wall under the hearth of any chimney thereafter to be built, unless the same shall be in every part thereof which shall lie under such hearth eighteen inches at the least lower than the surface of such hearth; and that the hearth of every chimney, to be built after the time aforesaid, shall be laid wholly on brick or stone, except the same be in a cellar or ground story, and be laid and bedded on the solid earth; and every such chimney shall have a slab or slabs, or foot paces before the same, of tile, stone, marble, or iron, at least eighteen inches broad, and at least one foot longer than the opening of every such chimney when finished; and such slab or slabs, or foot paces, shall be laid on brick or stone trimmers, at least eighteen inches broad from the opening of such chimney, or from the perpendicular face of the arch over the opening which supports the breast of such chimney; except the same be in a cellar or ground floor, and be laid and bedded on the solid earth: and that no timber or wood-work whatever shall be laid in the brick-work of any oven, stove, copper, still, boiler, or furnace, to be built after the said twenty-fourth day of *June*, nor within two feet of the inside of any such oven, stove, copper,

If the fore and back fronts are taken down within five years, this is deemed a rebuilding.

Thickness of backs of chimnies not in party-walls.

Breast of chimney not to be supported by timber.

Timber under the hearth must be 18 inches lower.

Hearth must be laid on brick or stone, or on the ground. Slabs before hearths, and brick trimmers under them.

No timber in the brick-work of ovens, copper, &c,

Distance of
timber laid in
the brick-work
of chimnies,
stoves, &c.

Wood-work
on the front
of chimnies to
be fixed by
iron nails.

No chimney
to be erected
on timber.

Materials of
external walls.

Sash-frames
and door-
frames to be
in reveals.

Story-posts
and bressum-
mers to be but
two inches in
party-walls.

per, still, boiler, or furnace; nor shall any timber whatever be laid in the brick-work of any chimney, to be built after the said time, nearer than nine inches to the opening of such chimney; or than five inches to the inside of the flue of any chimney, oven, stove, copper, still, boiler, or furnace, or than nine inches to the inside of the flue of any such oven, stove, copper, still, boiler, or furnace, where any such timber shall lie or be placed nearer than five feet above the mouth of the same: and that no wood-work whatever shall, at any time after the time aforesaid, be affixed to the front of any jamb or mantle, or to the front or back of any chimney or flue, except such wood-work be affixed by iron nails or holdfasts, or other iron fastenings; and no iron nail, iron holdfast, or other iron fastening, shall lie or be drove more than three inches into the wall against such chimney or flue, or nearer than four inches to the inside of the opening of any chimney; and that no chimney shall, after the time aforesaid, be erected on any timber-work whatever, except on such piling, bridging or planking, as may be necessary below the foundation of the building in which such chimney is erected; but every chimney thereafter to be built shall be erected on such piling, bridging, or planking, or on solid ground, or on a brick or stone foundation, or shall be set upon brick or stone corbles, or iron brackets, or upon iron shores, which iron shores shall be supported by brick or stone foundations.

XLVI. And it is hereby further enacted, That every external wall or external inclosure of every building of the first, second, third, fourth, or fifth rate or class of building, which shall be erected and built after the said twenty-fourth day of *June*, and of every addition or enlargement thereafter to be made to any building of the first, second, third, fourth, or fifth rate or class of building, now erected, or hereafter to be erected, shall be of brick, stone, artificial stone, lead, copper, tin, slate, tile, or iron; or of brick, stone, and such artificial stone, lead, copper, tin; slate, tile, and iron together, except the necessary piling, bridging, and planking, for the foundation of the same, and also except the necessary templets, chains, bond-timbers, and also except the doors, sashes, window-shutters, and door and window frames to such buildings, and the tiers or stories of door-frames and doors to all such warehouses as are or shall be of the first, second, third, or fourth rate or class of building; all which window-frames and door-frames shall be set in reveals, and recessed at least four inches from the front of the building in which such window-frames and door-frames shall be fixed; and also except the bressummers, story-posts, and plates, which may be made on the ground-story only; and also except all stall-boards for the conveniency of any shop or shops, which may be made on the ground-story only; which bressummers, story-posts, and plates, and the tiers or stories of door-frames and doors to all such warehouses, as before mentioned, are not hereby required to be fixed in reveals; but no story-post or bressummer shall, at any time, after the said twenty-fourth day of *June*, be fixed more than

than two inches deep in any party-wall, or be placed in any front nearer than seven inches to the centre line of the party-wall of such building, if such party-wall be of the thickness of two bricks, or nearer than four inches and an half to the centre of such party-wall, if such party-wall shall not exceed one brick and an half in thickness; but no timber-work whatever, other than and except such breffsummer, story-posts, and plates, and such tiers or stories of door-cases and doors shall be laid in any such external wall nearer than four inches to the external surface thereof; and every such story-post which shall be fixed as a support to two-fronts, being the corner of any streets, square, place, court, or way, shall be of oak or stone, and at least twelve inches square.

Corner story-posts to be of oak or stone, and 12 inches square.

XLVII. And be it further enacted by the authority aforesaid, That every flat, gutter, and roof, of every building of the first, second, third, fourth, or fifth rate or class of building, which shall be built after the said twenty-fourth day of *June*, and every turret, dormer, and lanthorn light, or other erection, which shall be placed in the flat or roof of any such building, and every external part of any flat, gutter, roof, turret, dormer, and lanthorn, in any building of the first, second, third, fourth, or fifth rate or class of building, now built, and which shall, at any time after the time aforesaid, be ripped or uncovered, shall be covered with glass, copper, lead, tin, slate, tile, or artificial stone; except the doors, door-frames, windows, and window-frames, of such dormers, turrets, lanthorn lights, or other erections.

Flats, roofs, &c. how to be covered.

XLVIII. And be it further enacted by the authority aforesaid, That every coping, cornice, fascia, window-dressing, portico, balcony, balustrade, or other external decoration or projection whatsoever, to be made after the said twenty-fourth day of *June*, to any building of the first, second, third, or fourth rate or class of building; and also every frontispiece to any building of the first rate or class of building, now built, or hereafter to be built, or to any addition or enlargement of any such building, shall externally be of brick, stone, burnt clay, or artificial stone, stucco, lead, or iron; except the cornices and dressings to shop-windows; and also except such covered ways as may hereafter be made to any building, so nevertheless as that the said covered way, or any part thereof, shall not extend beyond the original line of the houses in the street or way in which the same shall be or is erected; and such covered way shall be covered with stone, lead, copper, slate, tile, or tin; and neither the said covered way, nor the cornice or dressings to any shop-window, nor the roof of any such portico, shall be higher than the under side of the sill of the window frame of the one pair of stairs window of the building to which the same belongs: and that no water shall be suffered to drip next to any publick street, square, place, court, or way, from the roof of any building of the first, second, third, or fourth rate or class of building, to be built after the said twenty-fourth day of *June*, except from the roofs of porticoes

Materials of external decorations.

Water how to be conveyed from roofs.

coes or other entrances; but all water from such roofs shall be conveyed by lead, copper, tin, or iron gutters or pipes, or all or either, or any of them, or by wooden trunks, or brick or stone funnels, to the drains or channel stones, now made, or hereafter to be made, on or below the surface of the ground, for that purpose, or to some cistern or other reservoir made to receive the same, or to any front of such building not abutting upon any public street or way; and no such brick or stone funnel shall, after the time aforesaid, be made or built, unless the same shall be in every part thereof below the surface of the foot pavement before the same, nor shall any such wooden trunk, after the said time, be fixed, unless the same be, in every part thereof, below the tops of the windows of the ground story.

No bow-windows to be built extending beyond the line of the street,

except projections for decorations, shop-windows and stall-boards.

Materials of bow-windows and projections.

Saving to commissioners of paving.

Old external walls or inclosures may be repaired with the same materials;

XLIX. And be it further enacted by the authority aforesaid, That no bow-window or other projection shall, after the time aforesaid, be built with, or added to, any building of the first, second, third, or fourth rate or class of building, next to any public street, square, court, or way, so as to extend beyond the general line of the fronts of the houses in such public street, square, court, or way, in which such bow-window or other projection is made; except such projections as may be necessary for copings, cornices, facias, door and window dressings, or for open porticoes, steps, or iron pallisades; and also except such window to any shop or shops on the ground-floor story of any such building, the stall-boards of which windows shall not, in any street or way thirty feet wide or more, project above ten inches, nor in any street or way less than thirty feet wide, above five inches from the upright line of the building in such street or way respectively: and no cornice or covering thereof to any such shop-window shall, in any street or way thirty feet wide or more, project more than eighteen inches, nor in any street or way less than thirty feet wide more than thirteen inches from the upright line of the building to which such shop-window belongs: and that no bow-window or other projection, except as before excepted, shall, after the said twenty-fourth day of *June*, be built with, or added to, the front of any building of the first, second, third, or fourth rate or class of building, unless the same, and the columns and pilasters (if any) which support the same, be built of the several materials herein-before directed to be used in all external walls, or external inclosures.

L. Provided always, and be it enacted, That nothing herein contained shall prejudice, lessen, or defeat the powers granted to any commissioners for paving any streets or other places within the limits aforesaid, by any act or acts of parliament, or to the commissioners of the sewers for the city of *London*.

LI. And be it further enacted by the authority aforesaid, That every external wall, or other external inclosure, to any building, which is built, or begun to be built, before the said twenty-fourth day of *June*, not being of the several materials in and by this act required for external walls, or external inclosures, thereafter to be built, may be at all times thereafter repaired with the same

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fort or forts of materials as the materials of which such external wall, or other external inclosure, is erected, (except the external inclosures of roofs, flats, gutters, and of the dormers, turrets, and lanthorn lights, or other erections on the same, which shall be repaired with the materials herein-before directed for the same;) but in case any such external wall, or other external inclosure, be at any time hereafter taken down or otherwise demolished to the breffummer or one pair of stairs floor, or the place where the breffummer is usually fixed, then every part of the same, not being built of the several materials in and by this act required for external walls, or other external inclosures, thereafter to be erected, shall be taken down, and the same shall be entirely rebuilt of such materials, and in such manner, in all respects, as in and by this act required for all external walls, or other external inclosures, thereafter to be built, according to the rate or class of building to which such wall, or other external inclosure, belongs.

LII. And be it further enacted by the authority aforesaid, That no bow-window or other projection, made or built before the said twenty-fourth day of *June*, shall be at any time thereafter rebuilt, except such projections as are in and by this act allowed, unless such bow-window, or other projection, was built at the same time the house or building to which the same belongs was built, or unless such bow-window, or other projection, be within the original line of the street, square, place, court, or way, in which the same is erected.

No bow-window or projection to be rebuilt, unless originally built, or within the line of the street, &c.

LIII. And be it further enacted by the authority aforesaid, That no stack of warehouses to be erected after the said twenty-fourth day of *June*, shall contain more than thirty-five squares of building on the ground plan thereof, including all the external and internal walls, and so much of the party-walls, if any, as belong to such stack of warehouses; and no enlargement shall be at any time thereafter made to any stack of warehouses already built or begun, so as to encrease the same beyond the said thirty-five squares on the ground plan, including such walls as aforesaid, except such stack of warehouses be separated and divided by one or more party-wall or party-walls, built, in every respect, according to the directions herein-before contained concerning party-walls, into divisions of not more than thirty-five squares each, including such walls as aforesaid on the ground plan of such warehouses; and that no stack of warehouses shall communicate with any other warehouse or building through a party-wall, unless the door-case and sill of every such communication be of stone, and unless there be to every such communication a door of wrought iron, of the thickness of a quarter of an inch at least in the pannels thereof; and no timber, bond, or lintel, shall be laid into the brick-work of any wall in any such stack of warehouses nearer than eighteen inches to the opening of such communication.

No stack of warehouses to be above 35 squares including internal and external walls.

LIV. And be it further enacted by the authority aforesaid, That no building for stables, to be erected after the said twenty-fourth

No communication through party-walls unless by stone door-cases and iron doors.

No timber within 18 inches of such door.

No stables to contain more than 25 squares

of building including internal and external walls.

No communication door without having stone cases, &c.

Buildings hereafter divided into distinct tenures on the ground-floor deemed separate buildings.

Not to prevent proprietors from dividing warehouses;

nor from dividing stables, subject to restrictions mentioned.

fourth day of *June*, shall contain more than twenty-five squares of building on the ground plan thereof, including all the external and internal walls, and so much of the party-walls (if any) as belong to such building for stables; and no enlargement shall be at any time thereafter made thereto, or to any building for stables already built, or begun to be built, so as to encrease the same beyond the said twenty-five squares on the ground plan, including such walls as aforesaid, except such building for stables be separated and divided by one or more party-wall or party-walls, built in every respect according to the directions herein-before contained concerning party-walls into divisions of not more than twenty-five squares each, including such walls as aforesaid, on the ground plan of such stables: and that no such building for stables shall communicate through a party-wall with any other stables or building, unless the door-case and sill of every such communication be of stone, and unless there be to every such communication a door of wrought iron, of the thickness of a quarter of an inch in the pannels thereof; and no timber, bond, or lintel, shall be laid into the brick-work of any wall in any such building for stables nearer than eighteen inches to the opening of such communication.

LV. And be it further enacted by the authority aforesaid, That if any building whatsoever of the first, second, third, or fourth rate or class of building, (except buildings in the several inns of court or chancery, the *Royal Exchange*, companies halls, and except ware-houses and dwelling-houses let at a rack rent for not more than twenty-five pounds by the year,) be at any time hereafter converted into two or more dwelling-houses, workshops, stables, or other buildings, which shall be in distinct tenures on the ground-floor thereof, then each such tenement shall be considered as a separate building, and the same shall be divided from each other by a party-wall or party-walls; and every such party-wall shall be of the materials, height, and thickness, and shall be from time to time under the several regulations respecting party-walls herein directed to be observed with respect to the party-wall of the highest rate or class of building adjoining to such party-wall or party-walls.

LVI. Provided nevertheless, That nothing in this act contained shall extend to prevent any person, being the proprietor or leaseholder of any stack of warehouses, from dividing the said warehouses from time to time into divisions, for the convenience of letting the same to under tenants; so, nevertheless, as that, if any stack of warehouses contain more than thirty-five squares of building on the ground plan, the same shall be separated and divided by a party-wall or party-walls as aforesaid, into divisions of not more than thirty-five squares each as is herein-before directed concerning stacks of warehouses to be erected after the said twenty-fourth day of *June*.

LVII. Provided also, That nothing in this act contained shall extend to prevent any person, being the proprietor or leaseholder of any stable yard, or livery stables, from dividing the said

said stables from time to time into divisions, for the conveniency of letting the same to under tenants; so, nevertheless, as that if any building for stables contain more than twenty-five squares of building on the ground plan, the same shall be separated and divided by a party-wall, or party-walls, as aforesaid, into divisions of not more than twenty-five squares each, as herein-before directed concerning buildings for stables to be erected after the said twenty-fourth day of *June*.

LVIII. And it is hereby further enacted, That if any building herein-before declared to be of the fifth or sixth rate or class of building, be hereafter divided into two or more distinct tenures, and the several parts of such building in such separate tenures be not at the several distances from each other herein-before particularly directed for every such fifth or sixth rate building; then, every such several part of such building in every such separate and distinct tenure, be nearer to each other than the said several distances, shall be deemed a public nuisance, and shall be immediately taken down as such.

LIX. And be it further enacted by the authority aforesaid, That no iron, tin, copper, or other pipe or funnel for conveying smoke or steam, shall be at any time after the said twenty-fourth day of *June*, fixed next any public street, square, court, or way, on the front of any building of the first, second, third, or fourth rate or class of building; nor shall any such pipe or funnel be fixed on the inside of any such building nearer than fourteen inches to any timber, or other combustible material whatever; nor shall any brick funnel be thereafter built or placed on the outside of any front next to any public street, square, place, court, road, or way, of any building of the first, second, third, or fourth rate or class of building, so as to extend beyond the general line of the houses in the public street, square, place, court, or way, in which the same is erected.

LX. And be it further enacted by the authority aforesaid, That every church, chapel, meeting-house, dwelling-house, or other building, and every party-wall and other wall which shall, after the said twenty-fourth day of *June*, be built within the limits of this act, shall be built pursuant to such rules and regulations, and with such materials, as are herein-before particularly appointed; and if any person or persons presume to build or to begin building, or to cause the building or beginning to build, or to alter, or cause to be altered, any building already erected in any respect contrary thereunto, and be thereof convicted by the oaths of two or more credible witnesses before the mayor of the city of *London*, or any two or more justices of the peace for the said city of *London*, or counties of *Middlesex* or *Surrey*, or city and liberty of *Westminster*, or liberty of his Majesty's *Tower of London* respectively, where such building, contrary to the regulations aforesaid, shall be situated, (which oaths they the said mayor and justices are hereby respectively impowered and required to administer,) then the said house, building, or wall, so irregularly built, or begun to be built, or so irregularly altered,

Building of the fifth and sixth rates, in distinct tenures, and not at the requisite distances, deemed nuisances.

No funnel for smokenext the street in the front of houses of the first, second, third, or fourth rates. No funnel within side nearer than 14 inches to any timber. No brick funnel in the front to extend beyond the line of the street.

Every building contrary, declared to be a common nuisance;

and the builder and owner to enter into a recognizance to demolish the same.

or begun to be altered, shall be deemed a common nuisance, and the builder and the owner thereof, or one of them, such as the said mayor or justices shall require, shall enter into a recognizance in such sum as the said mayor or justices shall respectively appoint, for abating and demolishing the same, within such convenient time as the said mayor or justices shall respectively appoint; or otherwise to amend the same according to such rules and regulations as are herein-before contained: and in default of entering into such recognizance, the person or persons so making default shall be committed to the common gaol of the city, county, or liberty, where the offence shall be committed, there to remain, without bail or mainprize, until he shall have abated or demolished, or otherwise amended, the same; or until such irregular house or building shall be abated or demolished by order of such mayor or justices respectively, which order the said mayor and justices are hereby empowered to make; provided always that such conviction be had within three months after such building shall be finished.

Buildings deemed nuisances shall be taken down by order of the court,

and may sell materials to defray the expence.

LXI. And it is hereby further enacted, That it shall be lawful for the mayor of the city of *London*, or any two or more justices of the peace for the said city of *London*, or county of *Middlesex* or *Surrey*, or city and liberty of *Westminster*, or liberty of his Majesty's *Tower of London* respectively, where any building contrary to the regulations aforesaid shall be situated, to order every house or building so irregularly built, or begun to be built, or so irregularly altered, or begun to be altered, as is by this act declared to be a common nuisance, to be abated or taken down, and to order the person or persons authorised to abate or take down the same, to sell and dispose of the materials thereof, and out of the monies arising by the sale thereof, to pay to themselves, and all persons by them employed for the purposes aforesaid, the reasonable charges of abating or taking down such nuisance; and to pay the surplus of the monies arising by such sale (if any be) to the owner or owners of such materials; and if the monies arising by such sale be not sufficient to pay such charges, the deficiency shall be made good by such owner or owners, and may be levied in like manner as is herein-after directed concerning the expence of taking down ruinous buildings, and putting up hoards for the safety of passengers.

Court of aldermen of *London*, to appoint surveyors in that city.

LXII. And be it further enacted by the authority aforesaid, That the mayor and aldermen of the said city of *London*, shall and may nominate and appoint such and so many discreet persons, skilled in the art of building, as they the said mayor and aldermen think fit, to be, during their will and pleasure, the surveyors or supervisors to see the said rules and regulations well and truly observed in and throughout the said city of *London*, and the liberties thereof: and it shall be lawful for the said mayor and aldermen in their court of aldermen, and they are hereby required to administer to all the said surveyors or supervisors an oath for the true and impartial execution of their office in that behalf; and to appoint the several districts which shall be under their respective

pective surveys: and it shall also be lawful for the justices of the peace for the county of *Middlesex*, the county of *Surrey*, the city the quarter and liberty of *Westminster*, and the liberty of his Majesty's *Tower* sessions to appoint surveyors. In other places the quarter sessions to appoint surveyors.

are hereby required, within their respective jurisdictions, to nominate and appoint such, and so many discreet persons skilled in the art of building, as the said justices, in their respective quarter sessions, think fit, to be, during their will and pleasure, the surveyors or supervisors to see the said rules and regulations well and truly observed in and throughout the said city and liberty of *Westminster*, and the said several parishes, precincts, and places aforesaid, within the jurisdiction of the respective quarter sessions by whom they shall be so appointed: and the said justices, in their respective quarter sessions, shall administer to the said surveyors or supervisors by them respectively appointed, an oath for the true and impartial execution of their office in that behalf, and shall appoint the several districts which shall be under their respective surveys; which oath shall be in the form, or to the effect, following; that is to say,

I A. B. being one of the surveyors or supervisors appointed in The oath. pursuance of an act of parliament, passed in the fourteenth year of the reign of King George the Third, for the further and better regulation of buildings and party-walls; and for the more effectually preventing mischiefs by fire within the cities of *London* and *Westminster*, and the liberties thereof, and other the parishes, precincts, and places, within the weekly bills of mortality, the parishes of *Saint Mary-le-bon*, *Paddington*, *Saint Pancras*, and *Saint Luke* at *Chelsea*, in the county of *Middlesex*; and for indemnifying, under certain conditions, builders, and other persons, against the penalties to which they are or may be liable for erecting buildings within the limits aforesaid, contrary to law, do swear, that, upon receiving notice of any building or wall to be built, or other builders work to be done, within the district under my inspection, not being by illness or otherwise lawfully prevented, I will, diligently and faithfully, survey the same, and, to the utmost of my abilities, endeavour to cause the rules and regulations, in the said act prescribed, to be strictly observed; and that without favour or affection, prejudice or malice.

So help me GOD.

And such surveyor or supervisor shall, from time to time, leave Clerk to leave notice in writing with the clerk of the peace for the county, city, or liberty, in which his district shall be situated, of the notice of his abode. place of his usual abode or residence.

LXIII. And it is also hereby further enacted, That before Notice of any building or any wall, on new or old foundations, or on building to be foundations partly new and partly old, within the limits of this act, shall, after the said twenty-fourth day of June, be begun to given to surveyors. be built, the master workman, or other person causing such building or wall to be built, shall give twenty-four hours notice there-

thereof to the surveyor or supervisor appointed as aforesaid, within whose district the same shall be; and such surveyor or supervisor shall view the said building or wall, and see that all the rules and regulations in this act contained are well and truly observed; and such surveyor or supervisor, for his trouble therein, shall be paid by such master workman, or other person causing such building or wall to be built, such sum of money as a satisfaction for his trouble therein, as any two or more of his Majesty's justices of the peace for the city, county, or liberty, in which such building or wall is situate, shall, by any writing under their hands, order or appoint, not exceeding three pounds ten shillings for every new building of the first rate or class of building; or one pound fifteen shillings for every first rate building to which any alteration or addition shall be made; and not exceeding three pounds three shillings, for every new building of the second rate or class of building, or one pound ten shillings for every second rate building to which any alteration or addition shall be made; and not exceeding two pounds ten shillings for every new building of the third rate or class of building, or one pound five shillings for every third rate building to which any alteration or addition shall be made; and not exceeding two pounds two shillings for every new building of the fourth rate or class of building, or one pound one shilling for every fourth rate building to which any alteration or addition shall be made; and not exceeding one pound ten shillings for every new building of the fifth rate or class of building, or fifteen shillings for every fifth rate building to which any alteration or addition shall be made; and not exceeding one pound one shilling for every new building of the sixth rate or class of building, or ten shillings and sixpence for every sixth rate building to which any alteration or addition shall be made; and not exceeding ten shillings and sixpence for every new building of the seventh rate or class of building, or five shillings for every seventh rate building to which any alteration or addition shall be made; and, in default of payment of any of the said several sums of money, or such other sums as the said justices shall appoint, the same shall, by warrant of one or more of such justice or justices as aforesaid, be levied by distress and sale of the goods and chattels of such master workman, or other person as aforesaid, together with the reasonable costs and charges of such distress and sale.

On default
of notice,
treble satisfac-
tion to survey-
or, and 20l.
penalty.

XLIV. And it is hereby further enacted, That if any person shall, after the said twenty-fourth day of *June*, begin any such building, or any such wall; or if any person or persons shall thereafter presume to cut into any party-wall, without first giving such notice as aforesaid to the surveyor or supervisor within whose district the same is situated, or shall refuse such surveyor or supervisor admittance from time to time, at reasonable hours, for the purpose of viewing the same; then, every person so neglecting to give such notice, or so refusing such

such admittance, shall, for every default therein, forfeit and pay to the said surveyor or supervisor treble the satisfaction which such surveyor or supervisor would have been intitled to receive for his trouble in viewing such building or wall, and seeing the rules and regulations of this act well and truly observed therein, in case such notice had been given; and shall also, for every such default, forfeit the sum of twenty pounds, to be recovered by any action, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, by any person or persons who shall sue for the same; and also every such house, building, or wall, so begun to be built, without giving such notice, or without giving such admittance to such surveyor or supervisor, in case the same be not built in every respect agreeably to the regulations of this act, shall be demolished or amended by order of the said mayor, or of two justices, within whose jurisdiction the same shall be, in the manner herein-before directed.

LXV. And it is hereby further enacted, That in case the workmen employed in building any such building or wall, or in the cutting into any such party-wall, shall not well and truly observe the several rules and regulations in this act contained, and from time to time conform themselves thereto, the surveyor or supervisor within whose district the same is situated, shall, from time to time, give information thereof, as soon as conveniently may be to the said mayor of the city of *London*, or to two or more justices of the peace within whose jurisdiction the same shall be; and the said mayor or justices shall proceed thereupon to hear the matter, and if any breach of the rules and regulations in this act contained is found to have been committed, the said mayor or justices shall proceed to cause such irregular building or wall to be demolished or amended in manner herein-before directed.

LXVI. And be it further enacted by the authority aforesaid, That if any workmen, or servants to any master workman, or other person or persons causing any such building or wall to be erected within the limits of this act, shall wilfully, carelessly, or negligently, and without the direction, privity, or consent of such master workman, or person causing such building or wall to be erected, do any thing in or about such building or wall contrary to the directions of this act, every such workman or servant so offending, upon conviction thereof before the mayor of *London*, or other justice of the peace for the said city of *London*, or before one or more justice or justices of the peace for the said county of *Middlesex*, or county of *Surrey*, or the city and liberty of *Westminster*, or the liberty of his Majesty's *Tower of London*, (as the case shall be), upon the oath of one or more credible witness or witnesses, (which oath the said mayor and every such justice is hereby impowered and required to administer), or upon his own confession, shall, for every such offence, forfeit the sum of fifty shillings, one moiety thereof to be paid to the overseer or overseers of the poor of the parish, precinct, or place, wherein the offence was committed, for the use of the poor

Surveyor to
give information
of irregular
buildings.

50s. penalty
on workmen
offending.

poor only, and the other moiety thereof to the informer; and if any such forfeiture of fifty shillings be not paid upon and immediately after such conviction, then the offender shall, by warrant under the hand and seal of such mayor or other justice, be committed to the house of correction, there to remain, without bail or mainprize, for any time not exceeding three months, nor less than one month, unless the said penalty be sooner paid.

Houses or walls hereafter built to be surveyed within 14 days after covered in, and oath made of their conformity to this act.

LXVII. Provided also, and it is hereby further enacted, That every master workman, or other person, who shall, after the said twenty-fourth day of *June*, build, or cause to be built, any house or other building, or any addition to any house or other building, or any party-wall or other wall, or who shall be employed to cut into any party-wall within the limits of this act, shall, within fourteen days after such house or other building is covered in, or such party-wall or other wall is finished, or the cutting into any party-wall is made good, cause the same to be surveyed by the surveyor or supervisor within whose district the same is situated; and in case the said surveyor shall refuse, neglect, or shall, by illness or otherwise, be prevented surveying such building, wall, or other work, then the same shall be surveyed by any other surveyor or supervisor appointed and sworn within the city, county, or liberty, wherein the said building, wall, or other work is situated; and if such surveyor or supervisor shall, upon such survey, find that the same is, to the best of his judgement and belief, built, or made good, agreeably to the several directions in this act contained, then such surveyor or supervisor shall, within fourteen days after surveying the same, make oath thereof, by affidavit in writing, before the mayor of the city of *London*, or some justice of the peace for the said city, or for the county of *Middlesex*, the county of *Surrey*, the city and liberty of *Westminster*, or the liberty of his Majesty's *Tower of London* respectively, within whose jurisdiction the said building or wall is situated; which oath such mayor or justice is hereby empowered and required to administer: and the said affidavit shall be filed with the clerk of the peace for the county, city, or liberty, in which the said building or wall is situated, within ten days after the making thereof; and the said clerk of the peace shall, for his trouble therein, be intitled to and receive the sum of one shilling, and no more; and if any master workman, or other person causing such building or wall to be erected, or such party-wall to be cut into as aforesaid, make default in the premises, by neglecting to cause such survey to be made, or such affidavit to be made and filed, he shall, for every such neglect, forfeit the sum of ten pounds; and if such affidavit be not made and filed within the space of one month next after the recovery of such penalty, such master workman, or other person as aforesaid, shall forfeit the further sum of ten pounds, and by *loties quoties* for every month, until such affidavit shall be made and filed; and each of the said penalties shall be recovered and applied in like manner as the penalty herein after mentioned, and by this act inflicted on persons distilling or boiling larger quantities

Oath to be filed.

Builder neglecting to cause such oath to be made shall forfeit 10l.

Oath to be made within one month after conviction, on pain of further penalty of 10l.

ties of turpentine together than are hereby allowed in places not hereby allowed.

LXVIII. Provided also, and it is hereby further enacted, That if any surveyor or supervisor, appointed and sworn in manner herein-before directed, shall, at any time, wilfully neglect his duty, or behave himself negligently or unfaithfully in the discharge thereof, and the same being, upon complaint thereof, made appear to the mayor and aldermen of the said city of *London*, or the court of sessions by whom he was appointed; such surveyor or supervisor shall, by the said mayor and aldermen, or by the said court of sessions, (as the case may be), be forthwith discharged from his said office, and shall for ever afterwards be incapable of being again appointed a surveyor or supervisor for the purposes aforesaid.

Surveyor on misbehaving to be discharged, and to be incapable of being again appointed.

LXIX. Provided also, and it is hereby further enacted, That nothing in this act contained shall extend to any of his Majesty's royal palaces, or to any house or building being in the possession of his Majesty, his heirs and successors, or employed for his Majesty's use or service; or to her Majesty's palace, or to any house or building in the possession of her Majesty, or employed for her use or service.

King's palaces, &c. excepted.

LXX. And whereas houses and buildings within the limits aforesaid are often, either from litigated titles thereto, or the obstinacy, neglect, or poverty, of the owners thereof, or of the parties interested therein, in so ruinous a condition, that passengers thereby are in danger of their lives or limbs from the falling thereof, or of the bricks or timber therefrom; be it therefore enacted by the authority aforesaid, That if any presentment shall hereafter be made by an inquest or grand jury in *London*, or by any annoyance jury within the city and liberty of *Westminster*, or by the jury sworn at the court leet held by the sheriff in his turn for any hundred or place, or by any other jury or inquest sworn within any other part of the limits aforesaid, that any house or building within the same limits, or any part thereof, is in a ruinous condition, it shall be lawful for the court of mayor and aldermen, in respect of any such house or building within the said city of *London*, and the liberties thereof, or for the churchwardens or overseers of the poor for the time being of such parish, precinct, or place, in which such house or building is situated, (not being in the city of *London*, or the liberties thereof), and the said court and every such churchwarden and overseer of the poor, is and are hereby required, on notice of any such presentment being made, and a copy thereof being laid before them or him respectively, to cause, with all convenient speed, a proper and sufficient hoard to be put up for the safety of all passengers passing thereby, and to cause notice in writing to be given to the owner or owners, or other person or persons interested therein, if he, she, or they, can be found; and if not, to cause such notice in writing to be affixed to or upon the door, or other notorious part of such house or building so presented to be in such ruinous condition, to repair the same, or to pull down such building, as the case may require,

When any building is presented as ruinous, a hoard to be put up for safety of passengers.

if owners neglect to take down ruinous houses after notice, the mayor and aldermen, or overseers of the poor, may order the same to be taken down or secured;

require, within fourteen days then next ensuing: and if such owner or owners, or other person or persons interested in any such house or building, do not begin to repair or take down the same, within the said fourteen days after such notice so given or affixed as aforesaid, and complete such repairs, or take down the same as soon as the nature of the case will admit; then, oath being made before the said mayor, or a justice of the peace for the said city of *London*, or county of *Middlesex* or *Surrey*, or city and liberty of *Westminster*, or liberty of his Majesty's *Tower of London*, as the case may be, (which oath every of them the said mayor and justices is hereby impowered and required to administer), of such notice having been so given, or affixed as aforesaid, the said court of mayor and aldermen, by and out of the cash in the chamber of *London*, and also every such churchwarden and overseer of the poor, by and out of the monies in his hands, are hereby severally authorised and required, with all convenient speed, to order and cause such house or building, so presented to be in a ruinous condition, or so much thereof as the said court, or the said churchwardens or overseers of the poor, find necessary for the safety of passengers, to be taken down and secured, in such manner as shall, from time to time be requisite; and to sell and dispose of such of the materials as the said court of mayor and aldermen, or the said churchwardens or overseers of the poor, shall judge necessary and expedient; and out of the monies arising by the sale thereof to reimburse, repay, and satisfy, to themselves, and every person by them respectively employed for the purposes aforesaid, all the charges of putting up every such hoard, and of taking down and securing all or any part of every such house or building, so taken down or secured as aforesaid, and of selling the said materials as aforesaid, or so much thereof as the monies arising by such sale will extend to pay; and shall account for and pay the surplus of the monies arising by such sale (if any be) to the owner of every such house or building, upon personal demand thereof made by such owner; and if no such demand be made of any such overseer or overseers before another or other overseer or overseers of the poor of the said parish, precinct, or place, be appointed, then such overplus shall be added to the monies raised and collected by virtue of the rates made for the relief of the poor of the said parish, precinct, or place, and accounted for as such.

Overplus arising by the sale to be paid to owners any time within 6 years, on demand;

LXXI. Provided nevertheless, That any such owner, his or her executors or administrators, shall and may, at any time or times within the term of six years then afterwards, be intitled to have and receive such overplus from the churchwardens or overseers of the poor for the time being of such parish, precinct, or place, within ten days after demand thereof personally made by such owner, his or her executors or administrators; and every such churchwarden or overseer is hereby required to pay the same accordingly out of any monies raised, or to be raised by any rate or rates for the relief of the poor, and shall be allowed the payment thereof in any account to be by him made with the vestry,

vestry, inhabitants, and parishioners of the said parish, precinct, or place, or the future overseer or overseers thereof: and if it happens that the monies arising by such sale shall fall short, and are deficient to repay and satisfy all such charges, then such deficiency shall, from time to time, be paid by the owner or owners of every such house or building, if known, and to be met with; and if such owner or owners, on demand thereof, neglect or refuse to pay the same, then such deficiency may be levied by warrant under the hand and seal of the mayor of the said city of *London* for the time being, or any other justice of the peace for the same city, or under the hands and seals of two or more justices of the peace for the county of *Middlesex*, or county of *Surrey*, or city and liberty of *Westminster*, or liberty of his Majesty's *Tower of London*, (as the case shall be), by distress and sale of the goods and chattels of such owner or owners, if any such can be found: and if no such owner or owners can be met with, or, being met with, shall not on demand pay the said deficiency, and no sufficient distress of his, her, or their goods and chattels can be met with wherefrom such deficiency of such costs and charges may be levied and recovered; then the person or persons who shall at any time then after occupy any such house or building, or the ground where the same stood, is and are hereby required and authorised to pay and deduct the same out of the rent thereof; and if he, she, or they, neglect or refuse to pay such deficiency of charges, then the same shall, by warrant under the hand and seal of the said mayor of the said city for the time being, or any other justice of the peace for the same city, or under the hands and seals of two or more such justices of the peace as aforesaid, be levied by distress and sale of the goods and chattels of any occupier or occupiers of the premises, together with the costs of every such distress and sale; and the owner or owners of the premises is and are hereby required to allow to every such occupier or occupiers all such deficiencies and charges which he, she, or they, shall so pay, or which shall be recovered or levied by distress, and sale from him, her, or them, as aforesaid, out of any rent which shall become due for the said premises, or any part thereof; and every occupier paying any such deficiency and charges shall be acquitted and discharged for so much money as he, she, or they, so pay, in the same manner as if the same had been actually paid to such person or persons to whom his, her, or their rents were due, and should have been paid; and all money received or recovered on the account aforesaid, for or in respect of any such house or building within the city of *London*, or the liberties thereof, shall be paid to the chamberlain of the said city, and be by him, from time to time, placed to the credit of the cash of the said city of *London*; and all money on the account aforesaid, from time to time received or recovered, for or in respect of any such house or building in any part of the limits aforesaid, other than the said city of *London*, and the liberties thereof, shall be paid to the churchwardens or overseers of the poor for the time being of the parish, precinct, or place, where

but if sale of old materials be insufficient, owners or occupiers to make good the deficiency.

Landlords to allow deficiencies paid by the tenants.

such house or building so presented is situated, and shall be placed to the account of the said parish, in aid of such or a like rate or fund, out of which the expences and charges so received or recovered were originally disbursed.

Not more than 10 gallons of turpentine may be distilled at once in houses contiguous to others.

Penalty.

LXXII. *And whereas the distilling turpentine, and the drawing off the oil of turpentine and rosin by distilling turpentine, and the boiling the said oil and turpentine together for making varnish, within the limits aforesaid, may prove of dangerous consequence to the neighbourhood where every such practice is used:* for preventing thereof for the future, be it enacted by the authority aforesaid, That from and after the said twenty-fourth day of *June*, it shall not be lawful for any person or persons to distil or boil any turpentine, or to draw any oil of turpentine and rosin by distilling turpentine, or to boil any oil and turpentine together, above the quantity of ten gallons at one time, of all or any of the said commodities, within the limits aforesaid, in any workhouse or place contiguous to any other building, or in any place nearer to any other building than the distance of fifty feet, at the least, upon pain that every person offending therein shall, for every such offence, forfeit and pay the sum of one hundred pounds; every of which forfeitures shall and may be recovered, with treble costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed; one moiety whereof shall be to the use of the poor of the parish, precinct, or place, wherein the offence was committed, and the other moiety thereof to such person or persons as shall inform or sue for the same.

Shipwrights, &c. excepted.

LXXIII. Provided always, That nothing in this act contained shall extend to prevent shipwrights, barge-builders, boat-builders, or mast-makers, or other persons employed in building or repairing ships, barges, boats, or other vessels, near the river *Thames*, from boiling or mixing oil and other materials for the purpose of paying ships, barges, boats, or masts.

Fire engines and ladders to be kept in known places,

LXXIV. *And whereas the having a sufficient number of fire engines kept in known publick places, and at convenient distances from each other, and ready to be brought forth as occasion may require; and the supplying such engines with plenty of water; and the giving encouragement to engineers and others to bring forth, use, and work such engines, may tend greatly to lessen the mischiefs happening by fire; and the having proper ladders kept in known publick places, ready to be brought forth, may facilitate the escape of the inhabitants from houses on fire;* be it enacted by the authority aforesaid, That from and after the said twenty-fourth day of *June*, it shall and may be lawful to and for the churchwardens of every parish, and to and for the overseers of the poor of every precinct and place, not having any churchwarden, within the limits aforesaid, and they are hereby respectively required, from time to time, for ever, to make, place, and fix, at the charge of such respective parish, precinct, or place, upon the mains and pipes belonging to any waterwork whatsoever within the limits aforesaid, such and so many

and firecocks to be fixed on the mains.

many stopblocks of wood, with a wood plug, or such and so many firecocks, to go into each main or pipe, and to be placed at such distances in each and every street or place, as such churchwardens or overseers of the poor respectively for the time being shall direct; and that the top of every such stopblock or firecock shall be even with the pavement of each street or place, to the intent such plugs or firecocks may, upon occasion of any fire, be opened to let out the water without loss of time in digging down to the pipes; and that all and every such churchwardens or overseers of the poor respectively shall have power, and are hereby required, from time to time, to fix any mark or writing on the front of any house or houses over against or nearest to the place where such stopblocks, plugs, or firecocks, respectively lie, or are placed, for the better making known where all and every such stopblocks, plugs, or firecocks lie; and shall also keep an instrument or key in every such house where every such mark shall be, to open the stopblock, plug, or firecock; and shall keep in such house a pipe for the water to come thereout, to be made use of as occasion may require; and all such stopblocks and firecocks shall be kept in repair at the charge of each parish, precinct, or place, where the same are placed; and such plugs shall be kept in repair by the owners of the mains and pipes where the same are fixed; and whenever the owners of any waterworks shall afterwards remove, change, or alter the said mains or pipes, then, and in every such case, the owner or owners of every such main or pipe shall, at his or their own proper costs and charges, place and fix the same, or the like stopblocks, plugs, and firecocks, upon every such new main or pipe, to be placed where the churchwardens of the parish, or overseers of the precinct or place, not having a churchwarden, for the time being, shall direct; and in every such case the instrument or key, and pipe, shall be removed to the house opposite or nearest to the place to which such stopblock, plug, and firecock is removed; and every such churchwarden or overseer respectively shall cause a like mark or writing to be fixed against every such house.

Marks near
the place
where fire-
cocks lie:

Instrument or
key to be
kept there.

LXXV. And be it further enacted by the authority aforesaid, That every parish within the limits aforesaid, shall, from time to time, and at all times after the said twenty-fourth day of *June*, have, and keep in good order and repair, and in some known and publick place within each parish, a large engine, and also an hand engine, to throw up water for the extinguishing of fires; and also shall provide, keep, and maintain, one leather pipe at least, with a socket of the same size as the plug or firecock, and a stand-cock or suction-pipe, to the intent the socket may be put into the pipe, to convey the water without loss, and without the help of buckets, into the engine; and shall also have and keep, in some known and publick place within each parish, three or more proper ladders, of one, two, and three story high, for assisting persons in houses on fire to escape therefrom; and in default of making, placing, fixing, and continuing,

Engines and
ladders to
be kept by
every parish.

10 l. penalty
on church-
wardens for
default;

tinuing, such stopblocks or firecocks on the several mains and pipes, as also in default of having and keeping in good repair such large engine, hand engine, and leather pipe or pipes, socket and stand-cock, and suction-pipe, and such ladders as aforesaid, every churchwarden of such parish, and every overseer of any such precinct or place not having a churchwarden, making default in all or any of the premises, and being convicted thereof before two of his Majesty's justices of the peace for the said city of *London*, or for the county of *Middlesex* or *Surrey*, or liberty where the same may happen, (as the case may be,) shall forfeit and pay the sum of ten pounds, one moiety thereof to the informer, and the other moiety thereof to the surveyor or surveyors who shall be then appointed, pursuant to this present act of parliament, for the district within which such parish, precinct, or place, where such default shall be made, doth lie; to be levied and recovered by distress and sale of the goods and chattels of such churchwardens and overseers respectively, so convicted of such default as aforesaid.

and may be
levied by
distress.

Fees to the
turncock
whose water
first comes to
a main or pipe
at a fire;

LXXVI. And be it further enacted by the authority aforesaid, That the turncock belonging to the waterwork, whose water shall be found on, or shall first come into the main or pipe where any plug shall be opened, at any fire within the limits aforesaid, shall be paid any sum not exceeding ten shillings by the churchwardens or overseers of the poor of such respective parish, precinct, or place, where such fire may happen; and that the engine-keeper which first brings a parish engine, or other large engine, to help to extinguish any fire happening within the limits aforesaid, if in good order and complete, with a socket, hose, leather pipe, stand-cock, and suction-pipe, shall be paid any sum not exceeding thirty shillings; the keeper of the second parish engine, or other large engine, which shall be next brought in such order, and so complete, to help to extinguish any such fire, shall be paid any sum not exceeding twenty shillings; and the keeper of any parish engine, or other large engine, which shall be the third of such engines, brought in such order, and so complete, to any such fire, shall be paid any sum not exceeding ten shillings; every such payment to be made by the churchwardens of each parish, or by the overseers of the poor of every such precinct or place not having any churchwarden, (as the case may be,) where any such fire shall happen; and in default of payment thereof, such reward shall be levied and recovered from the said churchwardens and overseers respectively, by distress and sale of the goods and chattels of every such churchwarden and overseer, in the same or like manner as the penalty or forfeiture of ten pounds is herein-before directed to be levied and recovered.

to the engine-
keeper;

to the second
engine keep-
er;

and to the
third engine-
keeper:

But no reward
to be paid
without the
approbation
of an alder-
man, &c.

LXXVII. Provided always, and it is hereby further enacted by the authority aforesaid, That no such reward shall be paid to any turncock or engine-keeper, by the churchwarden of any parish, or overseer of the poor of any precinct or place aforesaid, where any fire may happen, without the approbation and direc-
tion

tion of the alderman of the ward wherein such parish, precinct, or place, is situate, or his deputy, or of two of the common councilmen of the same ward for the time being, if such fire happens within the city of *London*, or the liberties thereof; or without the approbation and consent of one or more justice or justices of the peace in and for the said county of *Middlesex*, or county of *Surrey*, or liberty where the same may happen, (as the case may be,) residing within such parish, precinct, or place, where such fire happens; and if there be not any justice or justices of the peace residing in such parish, precinct, or place, then of such justice or justices of the peace residing in the parish or place near or next adjoining, if such fire happens any where within the limits of this act, out of the said city of *London*, and the liberties thereof.

LXXVIII. *And whereas many of the parishes within the limits of this act have been frequently put to considerable expences, occasioned by the neglect of the inhabitants, as well lodgers and inmates as house-keepers, in not causing their chimnies to be duly swept, by means whereof alarms of fire are frequently made, to the great terror and danger of his Majesty's subjects, which probably would be prevented, if such inhabitants were obliged to defray and bear the charges and expences attending such their neglects, or some reasonable part thereof;*

be it therefore enacted by the authority aforesaid, That from and after the said twenty-fourth day of *June*, in all cases where any reward or rewards, or other recompence, by this act made payable, shall be borne and paid by any churchwarden or overseer of the poor, for or on account of any fire being in a chimney only, or first beginning in and occasioned by the taking fire of any chimney only, the inhabitant or inhabitants, occupier or occupiers, of any room or apartment to which any such chimney belongs, being a lodger or inmate to or with any tenant, renter, or holder of any house or building, of which such room or apartment is part, or, if such chimney belong not to any such lodger or inmate, then the tenant, renter, or occupier of the house or building wherein any such fire as last-mentioned first begins, shall reimburse and repay to the churchwarden or overseer of the poor all and every such reward and rewards, or other payments, by him or them made, pursuant to the directions of this act, or such part thereof, as the mayor, or other justice of the peace, of the said city of *London*, or justice of the peace for the liberty of his Majesty's *Tower of London*, or justice of the peace for the county of *Middlesex*, or county of *Surrey*, or for the city and liberty of *Westminster*, (as the case may be,) upon the application and complaint of such churchwarden or overseer of the poor, and hearing the party or parties complained against, shall under his hand and seal, award and direct: and to the end the said mayor, or other justice aforesaid, may be the better enabled to award and direct what may in any such case be just and reasonable, the said mayor for the time being, and every such justice, shall and may summon before him, after any such complaint made, the party and parties complained against,

Where any rewards for chimnies on fire, have been paid by the churchwardens,

they are to be reimbursed by occupiers, as the mayor, &c. shall direct.

To enable the mayor and justices to execute their duty.

and all persons fit to give evidence touching the premises, of whom he shall have notice or information, and shall and may examine them, and every of them, upon oath, (which oath the said mayor, and every such justice is hereby impowered and required to administer, without fee or reward;) and if the party or parties complained against, being summoned, do not appear, the said mayor, and every such justice of the peace, shall and may proceed to examine the matter of the complaint, and such evidence as is produced, and to make such award and direction thereupon as shall be just, and as if the party or parties making such default of appearance had been present, and heard in his, her, or their defence; and if any sum or sums of money, so awarded and directed to be reimbursed or repaid to any such churchwarden or overseer of the poor, be not so reimbursed or repaid within fourteen days after demand thereof made, it shall and may be lawful to and for every such churchwarden or overseer, by warrant under the hand and seal of such mayor, or other justice, (which warrant the said mayor, and every such justice, is hereby authorised to make,) to levy every such reward and rewards, or other recompence, so paid, or such part thereof as shall have been so awarded and directed, by distress and sale of the goods and chattels of the party or parties making default of payment, or of any goods or chattels found in the room or apartment to which such chimney where such fire began belongs, or in any other part of any house or building whereof such room or apartment is part.

LXXIX. *And, forasmuch as several of the parishes within the city of London were, after the great fire which happened in the year of our Lord Christ one thousand six hundred and sixty-six, united together,* be it enacted by the authority aforesaid, That any two or more of the said parishes so united, shall, for the purposes of this act, be deemed one parish only.

United parishes to be deemed one.

Large parishes may have more than one large engine, &c.

LXXX. Provided nevertheless, and it is further enacted, That in case the vestries of any of the said united parishes, or of any other parish within the limits aforesaid, at any time conceive it necessary for the said parish, in respect of the largeness thereof, to have more than one great engine or hand engine, it shall and may be lawful for them to provide two or more great engines or hand engines, at the parish charge; and that the same engines, and every of them, shall be under the like regulations and encouragements as the other engine or engines directed to be provided by this act are under.

LXXXI. *And, in order to raise money to defray the necessary charges of providing and maintaining such engine, stopblocks and fire-cocks, and keys, and other implements and materials, and such ladders as aforesaid, and the payment of the rewards or gratuities directed by this act,* be it enacted by the authority aforesaid, That the churchwardens and overseers of the poor of the said several parishes, precincts, and places, within the limits of this act, or the major part of them, with the consent of the majority of such inhabitants as shall be, at any vestry, or other publick meeting of such

Fire engines, &c. to be paid for out of the poor's rates.

such parish, precinct, or place, duly assembled, shall and may, from time to time, (as often as there may be occasion,) out of the monies raised or received, or to be raised or received, by any rate or rates made, or to be made, for relief of the poor of every such parish, precinct, or place respectively, or by any especial rate or rates to be made for the purposes of this act, pay, apply, and dispose of, such competent sum and sums of money as may be requisite for the ends aforesaid, in like manner as by law they may do for the maintenance and relief of the poor of their respective parishes, precincts, or places; and every such especial rate or rates, which shall be made, as aforesaid, the same being allowed and confirmed in the like manner as the rates made for the relief of the poor are, or ought to be, allowed or confirmed, shall be levied and recovered in the same manner as the rates made for the relief of the poor now may, or ought to be, levied and recovered, subject to the like appeal as in cases of rates made for the relief of the poor; and the said officers shall be accountable for the same, in like manner as they are accountable for the money by them collected for the relief of the poor, and shall be liable to the like pains and commitments for not accounting for the same, and to the like distress and penalties for not paying the monies by them collected, levied, or received, and remaining in their hands, as overseers of the poor are, by all or any of the laws of this land, liable to, for not accounting for, or not paying, monies collected by virtue of any rates for relief of the poor.

LXXXII. *And whereas the several offices for insuring houses against loss by fire retain in their several services, and give coats and badges, and other rewards, unto watermen, for their service and assistance in and towards extinguishing of fire, and who are to be always ready when wanted, and are provided with various sorts of poles, hooks, hatchets, and several other instruments and things, at the charge of the said respective insurance offices for the extinguishing of fire; which watermen so retained are, by experience, found to venture much further, and to have skill to give, and do give, at fires happening within the limits aforesaid greater help than other persons not used to come into danger; be it further enacted by the authority aforesaid, That the watermen for the time being so retained by, and belonging to, every such insurance office, within the limits aforesaid, not exceeding thirty for each office, shall be free from being impressed, or liable to be compelled, to go to sea, or serve as mariners, or as soldiers on land, their names and places of abode being registered and entered with the secretary, or other officer of the admiralty office.*

Watermen retained by insurance offices not to be impressed.

LXXXIII. *And, in order to deter and binder ill-minded persons from wilfully setting their house or houses, or other buildings, on fire, with a view of gaining to themselves the insurance money, whereby the lives and fortunes of many families may be lost or endangered; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the respective governors or directors of the several insurance offices for insuring houses or other build-*

Money insured on houses burnt how to be applied.

ings against loss by fire, and they are hereby authorized and required, upon the request of any person or persons interested in or intitled unto any house or houses, or other buildings which may hereafter be burnt down, demolished, or damaged by fire, or upon any grounds of suspicion that the owner or owners, occupier or occupiers, or other person or persons who shall have insured such house or houses, or other buildings, have been guilty of fraud, or of wilfully setting their house or houses, or other buildings, on fire, to cause the insurance money to be laid out and expended, as far as the same will go, towards rebuilding, reinstating, or repairing, such house or houses, or other buildings, so burnt down, demolished, or damaged by fire; unless the party or parties claiming such insurance money shall, within sixty days next after his, her, or their claim is adjusted, give a sufficient security to the governors or directors of the insurance office where such house or houses, or other buildings, are insured, that the same insurance money shall be laid out and expended as aforesaid; or unless the said insurance money shall be, in that time, settled and disposed of to and amongst all the contending parties, to the satisfaction and approbation of such governors or directors of such insurance office respectively.

Servants by
carelessness
firing a house,
to forfeit
100l. or be
imprisoned
12 months.

LXXXIV. *And whereas fires often happen by the negligence and carelessness of servants*, be it therefore enacted by the authority aforesaid, That if any menial, or other servant or servants, through negligence or carelessness, shall fire, or cause to be fired, any dwelling-house, or out-house or houses, or other buildings, whether within the limits aforesaid or elsewhere, within the kingdom of *Great Britain*, such servant or servants, being thereof lawfully convicted by the oath of one or more credible witness or witnesses, made before two or more of his Majesty's justices of the peace, shall forfeit and pay the sum of one hundred pounds unto the churchwardens or overseers of such parish where such fire shall happen; to be distributed amongst the sufferers by such fire, in such proportions, as to the said churchwardens shall seem just: and in case of default or refusal to pay the same immediately after such conviction, the same being lawfully demanded by the said churchwardens; that then, and in such case, such servant or servants shall, by warrant under the hands and seals of two or more of his Majesty's justices of the peace, be committed to the common gaol, or house of correction, as the said justices think fit, for the space of eighteen months, there to be kept to hard labour.

Constables
and beadles,
on notice, to
repair to
buildings on
fire.

LXXXV. And be it further enacted by the authority aforesaid, That upon the breaking out of any fire within the limits aforesaid, all constables and beadles, upon notice thereof, shall immediately repair to the place where the said fire shall happen, with their staves, and other badges of their authority; and shall be aiding and assisting, as well in extinguishing the said fires, and causing people to work at the engines, as also in preventing goods being stolen, and shall seize and apprehend all ill-disposed persons that they shall find stealing or pilfering from the inhabi-

habitants; as also that the said constables and beadles shall give their utmost assistance to help the inhabitants to remove their goods.

LXXXVI. And be it further enacted by the authority aforesaid, That no action, suit, or process whatever, shall be had, maintained, or prosecuted, against any person in whose house, chamber, stable, barn, or other building, or on whose estate any fire shall, after the said twenty-fourth day of *June*, accidentally begin, nor shall any recompence be made by such person for any damage suffered thereby; any law, usage, or custom, to the contrary notwithstanding: and in such case, if any action be brought, the defendant may plead the general issue, and give this act, and the special matter in evidence, at any trial thereupon to be had; and in case the plaintiff become nonsuited, or discontinue his action or suit, or if a verdict pass against him, the defendant shall recover treble costs; provided that no contract or agreement made between landlord and tenant shall be hereby defeated, or made void.

LXXXVII. And be it further enacted by the authority aforesaid, That where any distress shall be made for any sum or sums of money to be recovered by virtue of this act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers, on account of any defect of form in any proceedings relating thereto; nor shall the party or parties be deemed a trespasser or trespassers *ab initio*, on account of any irregularity afterwards done by the party or parties making such distress; but the person or persons aggrieved by such irregularity may recover full satisfaction for the special damage only, by action on the case, and not by any other action whatever.

LXXXVIII. Provided always, and be it further enacted by the authority aforesaid, That no plaintiff or plaintiffs shall recover in any action, for any such irregularity, or other proceedings, if tender of sufficient amends be made by or on the behalf of the party or parties who committed, or caused to be committed, any such irregularity or wrongful proceeding before such action be brought; and in case no such tender shall have been made, it shall and may be lawful for the defendant or defendants in any such action, by the leave of the court where such action shall depend, at any time before issue joined, to pay into the court such sum of money as he or they shall see fit, whereupon such proceedings or order and judgement shall be had, made, or given, in and by such court, as in other actions when the defendant is allowed to pay money into court.

LXXXIX. And whereas by the said recited act of the twelfth year of his present Majesty's reign, various penalties are inflicted upon persons who should offend against the said act: and whereas, since the passing the said act, there has been a great increase of buildings within the limits aforesaid, and many of such buildings are not in every respect built according to the directions of the said act, whereby various penalties have been incurred, and several persons are or may be

No action to lie against a person where the fire accidentally begins.

Distress not unlawful for want of form, &c.

Plaintiff not to recover if tender of sufficient amends be made, &c.

Prosecutions on 12 Geo. 3. c. 73. discharged, on amending buildings in such manner as shall be directed by two of the be surveyors.

be under prosecution for the same: and whereas the owners of such buildings, and the several builders, or workmen employed therein, are respectively willing to make the same as secure against fire, and as conformable to the directions contained in this act, as the nature of each case will admit; be it therefore enacted by the authority aforesaid, That in every action, bill, plaint, suit, or information, now depending, or that shall hereafter depend, in any of his Majesty's courts of record at Westminster, against any such owner, builder, or workman, or person or persons causing any such building to be erected or built, or any other person or persons for the recovery of any penalty incurred, or supposed to be incurred, by the said act, it shall be lawful for the court where the same is or may be depending, and such court is hereby required and impowered, on the application of the respective defendants, to make a rule for the plaintiff in any such action, bill, plaint, suit, or information, to deliver to such defendant or defendants, or his, her, or their attorney in the cause, an account, in writing, under the hands of the plaintiff, or his attorney, of the particular defect or irregularity in every such building, whereby each penalty is incurred, or supposed to be incurred, and to make an order for staying the proceedings in such action, suit, or information, until such account in writing shall be delivered; and after such account shall have been delivered as aforesaid, it shall and may be lawful to and for such defendant or defendants, either to defend such action or actions, as if this act had not been made, or otherwise, in case he or they shall not chuse to defend the same, to enter into a rule of the same court for making good or reforming such irregularities and defects, (if any,) and for rendering such building as secure against fire, and as conformable to the directions of this act, in such manner, and within such time, as two or more of the surveyors, herein-before directed to be appointed in the county, city, or liberty, wherein the same is situate, shall, by any writing, under their hands, direct and appoint: and upon such rule being entered into by such defendant or defendants, and on payment to the plaintiff of the costs in such action, suit, or information, to be taxed by the proper officer of such court, the said court shall order all further proceedings to be stayed in such action, suit, or information, until the time appointed by the said surveyors for the purposes aforesaid shall be expired; and after the expiration thereof, such court is hereby required and impowered, on application or motion by or on the behalf of such owner, builder, or workman, or other person or persons aforesaid, and on proof by affidavit to the satisfaction of such court, that the defects and irregularities complained of are made good or reformed, and the building of such house or houses rendered as secure against fire, and as conformable to the directions of this act, in such manner, and within such time, as such two or more of the said surveyor or supervisors shall have appointed, by such writing as aforesaid, to order proceedings to be peremptorily stayed in such action, suit, or information: and the defendant or defendants shall,

Rule being entered into by defendant, all proceedings to be stayed, &c.

shall, from thenceforth, be for ever indemnified and discharged of, from, and against all penalties and forfeitures, incurred or to be incurred, for or by reason of not having originally built such party-walls or buildings, pursuant to the directions of the said act, or for or by reason of any other defect or irregularity, whereby such houses or party-walls are otherwise built than pursuant to such directions; any thing in the said act contained to the contrary notwithstanding.

Defendant in-
demnified
from all for-
feitures, &c.

XC. Provided, That if no such application shall be made to the court before the end of the next term after the expiration of such time as shall be appointed by the said surveyors as aforesaid, for the purposes aforesaid; or if, upon such application as aforesaid, such proof shall not be made by the defendant or defendants to the satisfaction of the said court as aforesaid, then the said plaintiff or plaintiffs shall be at liberty to proceed in such suit as if this act had not been made.

Proviso.

XCI. And it is further declared by the authority aforesaid, That the court or courts, where any such rule as aforesaid shall be entered into pursuant to the directions in this act contained, shall, and are hereby required to proceed against the party or parties who shall have entered into any such rule, and have refused or neglected to perform the same, as for a contempt of the said court; and shall, on motion, issue the like process of attachment or otherwise, as is usually issued against any suitor or suitors of such court for contempt of a rule of court.

How the
court shall
proceed where
any rule shall
be entered
into, &c.

XCII. Provided always, That this act, or any thing herein contained, shall not extend to indemnify any person against whom final judgement shall have been given before the passing of this act, in any action of debt, bill, plaint, or information, in any of his Majesty's courts of record, grounded on the said act, made in the twelfth year of his present Majesty's reign, for the recovery of any penalty inflicted by the said act.

Not to extend
to indemnify
persons against
whom judge-
ment shall be
given, &c.

XCIII. *And whereas, since the passing the said act, made in the twelfth year, of his present Majesty's reign, many houses and other buildings have been erected within the limits aforesaid, not conformable to the regulations of the said act, but no prosecutions have been, and probably may not be, commenced against the builders thereof: and whereas it is reasonable that the same should be made as secure against fire, and as conformable to the directions in this act, as the nature of each case will admit: and whereas wooden buildings have been erected on the tops and other parts of houses, and many bow-windows and projections have been made contrary to the said act, though no prosecutions have been nor may probably be commenced for any penalties thereby incurred: and whereas such wooden buildings as have been so erected on the tops or other parts of the said houses, and such bow-windows or projections ought to be taken down and removed, or some alterations or amendments ought to be made therein; be it therefore enacted by the authority aforesaid, That if any three or more surveyors or supervisors, to be appointed, and sworn in manner herein-before directed, shall certify, in writing under their hands, to the court of mayor and aldermen of the city of*

Irregular
buildings
erected since
12 Geo. 3.
to be made
secure against
fire; and
irregular pro-
jections to be
altered,
though no
prosecutions
have been
commenced.

London, or to the court of quarter sessions within whose jurisdiction any such house or building is situated, that any house or building has been erected since the passing the said act, within the limits aforesaid, not conformable to the said act, or that any such wooden building has been erected on the tops or other parts of houses, or that any bow-windows or projections have been made contrary to the said act, for which no prosecutions have been commenced, so as to bring them within the provision herein-before made respecting the same, and shall certify in what manner the same may be reformed, it shall be lawful for the said court of mayor and aldermen, or court of quarter sessions respectively, within whose jurisdiction the said house or building, or bow-window, or projection, is situated, if they think fit, to make an order for amending or reforming such house or building accordingly, and for making the same more secure against fire, or more nearly conformable to the regulations of this act; and for taking down and removing, or for altering or amending, such wooden buildings, and such bow-windows or projections, as aforesaid, by the master builder, master bricklayer, or master workman, or person who caused the same to be erected, who shall be expressly named in such order: and every such order of the said court of mayor and aldermen, or court of sessions, shall be, by the town clerk of the city of *London*, or by the clerk of the peace, (as the case may be,) entered and filed as of record, in the said court where such order was made; for the entry and filing whereof, and for every copy thereof, the said town clerk, or clerk of the peace, shall be paid by the person applying for the same the sum of one shilling, and no more, if the same do not exceed one hundred words, and if the same exceed one hundred words, then after the rate and proportion of one shilling for every one hundred words; and a copy of the said order shall be delivered to the said person or persons in the said order named, or shall be left at his or their last or usual place of abode, or with the tenant in possession of the house or building, in the same order mentioned, or shall be affixed upon the door, or other notorious part, of the said house or building; and within the space of nine months next after the copy of such order shall have been so delivered, or left or affixed as aforesaid, the said person or persons therein named shall make good all the defects and irregularities in such order specified, and either take down and entirely remove such wooden building or buildings, or bow-window, or projection, or otherwise alter, reform, or amend the same, in such manner as shall be directed by such order; and in case the said order shall not, in all respects, be fully performed and executed within the space of nine months next after the copy thereof shall have been so delivered, or left, or affixed as aforesaid; then the person or persons therein named, being the master builder, master bricklayer, or master workman, or other person or persons who caused such house or building, or bow-window or projection, to be erected, shall forfeit the sum of fifty pounds; to be recovered and applied in like manner as the penalties

Court to make an order for re-forming irregular projections.

Order to be filed.

Irregularity to be reformed within 9 months,

on pain of 50*l.* penalty.

penalties herein-before inflicted for distilling a larger quantity of turpentine together than is by this act allowed, in places not allowed by this act, are herein-before directed to be recovered and applied; and so *toties quoties* for every nine months that such defects and irregularities shall continue, and such house or other building, or bow-window or projection, shall remain built, otherwise than conformable to the directions in such order contained.

XCIV. And whereas several informations may have been commenced before the said mayor of *London*, and justices of the peace, for recovering penalties or forfeitures incurred by the said act made in the twelfth year of his present Majesty's reign, and the same, or some of them may be still depending before the said mayor and justices out of session, and other such informations may be depending before the justices in the said respective quarter sessions of the peace, by appeal or otherwise; be it enacted by the authority aforesaid, That the several defendants, in all and every such informations, shall be, and are by the authority of this act, discharged, acquitted, and indemnified, from and against all such informations; and the said mayor and justices shall acquit and discharge them of and from the same accordingly.

XCv. And be it further enacted by the authority aforesaid, That no order which shall be made by the mayor of the city of *London* for the time being, or by any justice or justices of the peace, by virtue of or under this act, or any other proceeding to be had touching the conviction of any offender or offenders against this act, shall be removed or removable by *Certiorari*, or any other writ or process whatsoever, into any of his Majesty's courts of record at *Westminster*.

XCvi. And be it further enacted by the authority aforesaid, That if any person or persons think him, her, or themselves aggrieved by any conviction, commitment, distress, order, or judgement, of the mayor of the city of *London*, for the time being, or of any justice or justices of the peace, made out of sessions by virtue of this act; such person or persons may appeal to the justices of the peace, at their general quarter sessions of the peace, to be holden in and for the city of *London* and liberties thereof, the counties of *Middlesex* or *Surrey*, the city and liberty of *Westminster*, or the liberties of his Majesty's *Tower of London*, (as the case may be,) which shall be holden next after such conviction, commitment, distress, order, or judgement; who shall proceed to hear and examine on oath into the causes and matters of such appeal; (which oath or oaths they are hereby impowered to administer;) and shall determine the same, and award such costs to the party or parties appealing or appealed against, as they shall think proper; and the order, judgement, and determination of the said justices, in their respective sessions, shall be binding and conclusive to all parties.

XCvii. Provided always, and be it further enacted by the authority aforesaid, That

the authority aforesaid, That the person or persons so intending to appeal shall, immediately after such conviction, commitment, distress, order, or judgement, or within two days afterwards, enter into a recognizance to the party or parties appealed against, before such justice or justices of the peace, with two sufficient securities, conditioned to try such appeal, and to abide the order of, and pay, to the party or parties appealed against, such costs (if any) as shall be awarded against him, her, or them, by the sessions respectively.

Parishioners
may be wit-
nesses.

XCVIII. And be it further enacted by the authority aforesaid, That the parishioners and inhabitants of the parish, precinct, or place, where any offence against this act shall be committed, shall be allowed to be competent witnesses, on the trial or otherwise, in any action, bill, plaint, or information, in any of the said courts of record, or at or upon the hearing and determination of any information before the mayor of *London*, or other justice of the peace, for or concerning any offence or offences against this present act; notwithstanding his, her, or their being a parishioner or parishioners, inhabitant or inhabitants, in such parish, precinct, or place.

Limitation of
actions for
penalties.

XCIX. Provided always, That no action or prosecution shall be brought or commenced against any person or persons for any penalty or forfeiture inflicted or incurred by this act, unless the same shall be commenced within six calendar months next after such forfeiture shall have been incurred.

Limitation of
actions against
persons acting
under the act.

C. And be it further enacted by the authority aforesaid, That no action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, until twenty-one days after notice, in writing, of an intention to bring such action or suit, has been given to the person or persons against whom such action or suit shall be brought, nor after the expiration of three calendar months next after the fact committed; and every such action or suit, the cause whereof shall arise within the said city of *London*, or the liberties thereof, shall be laid and tried in the said city of *London*, and not elsewhere; and every such action or suit, the cause whereof shall arise in any part of the limits aforesaid out of the said city of *London* and liberties thereof, shall be laid and tried in the county of *Middlesex*, and not elsewhere; and the defendant or defendants in every such action or suit may plead the general issue, and give this act, and the special matter, in evidence, at any trial or trials to be had thereupon, and that the matter or thing, for which such action or suit is brought, was done in pursuance and by the authority of this act: And if the said matter or thing appear to have been so done, or if it appear that such action or suit was brought before the expiration of twenty-one days after such notice given as aforesaid, or that sufficient satisfaction was made or tendered before such action was brought; or if any such action or suit be not commenced within the time herein for that purpose limited, or be laid in any other county or place than as aforesaid; then the

General issue.

the jury, in every such action or suit, shall find for the defendant or defendants therein; and if a verdict be found for the defendant or defendants, or if the plaintiff or plaintiffs, in any such action or suit, become nonsuited, or discontinue, or suffer a discontinuance, of any such action or suit; or if, in any such action or suit, judgement be given for the defendant or defendants therein, on demurrer, or by default, or otherwise; then, and in any of the cases aforesaid, the defendant or defendants shall have judgement to recover treble costs of suit, and shall have such remedy for recovering the same, as any defendant or defendants may have for costs in other cases by law.

CI. And be it further enacted, That from and after the said twenty-fourth day of June one thousand seven hundred and seventy-four, the said act, passed in the twelfth year of the reign of his present majesty, (intituled, *An act for the better regulation of buildings and party-walls within the cities of London and Westminster, and the liberties thereof, and other the parishes, precincts, and places in the weekly bills of mortality, the parishes of Saint Mary-le-bone and Paddington, Saint Pancras, and Saint Luke at Chelsea, in the county of Middlesex, and for the better preventing of mischiefs by fire within the said cities, liberties, parishes, precincts, and places; and for amending and reducing the laws relating thereto into one act, and for other purposes; shall be, and the same is hereby repealed; but nevertheless, so much of an act made in the nineteenth year of the reign of his late majesty King Charles the second, intituled, *An act for rebuilding the city of London as relates to the regulating buildings and party-walls; and an act made in the sixth year of the reign of her late majesty Queen Anne, (intituled, *An act for the better preventing mischiefs that may happen by fire;)* also an act made in the seventh year of the reign of her said late Majesty, (intituled, *An act for making more effectual an act, made in the sixth year of her Majesty's reign, for the better preventing of mischiefs that may happen by fire;)* also so much of an act made in the eleventh year of the reign of his late majesty King George the first, (intituled, *An act for the better regulating of buildings, and to prevent mischiefs that may happen by fire within the weekly bills of mortality, and other places therein mentioned,)* as relates to regulating buildings and party-walls; also so much of an act made in the thirty-third year of the reign of his late majesty King George the second, (intituled, *An act for widening certain streets, lanes, and passages, within the city of London, and liberties thereof, and for opening certain new streets and ways within the same, and for other purposes therein mentioned,)* as relates to the regulating of buildings and party-walls, and preventing mischiefs that may happen by fire; also so much of an act made in the fourth year of the reign of his present Majesty, (intituled, *An act for the better regulating of buildings, and to prevent mischiefs that may happen by fire within the weekly bills of mortality, and other places therein mentioned,)* as relates to the regulating of buildings and party-walls, and preventing mischiefs happening by fire; also so much of an act made in the**

Repealing former acts so far as respects party-walls, regulating of buildings, preventing mischiefs by fire, &c.

19 Car. 2. c. 3.

6 Annæ c. 31.

7 Annæ c. 17.

11 Geo. 1. c. 28.

33 Geo. 2. c. 30.

4 Geo. 3. c. 14.

sixth

- 6 Geo. 3. c. 27. sixth year of his present Majesty's reign, (intituled, *An act to explain, amend, and render more effectual the powers of an act, made in the thirty-third year of the reign of his late Majesty, intituled, An act for widening certain streets, lanes, and passages, within the city of London, and liberties thereof; and for opening certain new streets and ways within the same; and for opening purposes therein mentioned,*) as relates to the regulating of buildings and party-walls; also so much of another act made in the said
- 6 Geo. 3. c. 27. sixth year of his present Majesty's reign, (intituled, *An act to explain, amend, and render more effectual, an act made in the fourth year of his present Majesty's reign, for the better regulating of buildings, and to prevent mischiefs that may happen by fire within the weekly bills of mortality, and other places therein mentioned,*) as relates to the regulating of buildings and party-walls, and preventing mischiefs that may happen by fire, shall be, and continue, repealed.

CII. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a publick act; and shall be judicially taken notice of as such by all judges, justices, and other persons whomsoever without specially pleading the same.

C A P. LXXIX.

An act for explaining an act, made in the twelfth year of the reign of Queen Anne, intituled, An act to reduce the rate of interest, without any prejudice to parliamentary securities.

Preamble.

WHEREAS large sums of money have been and may be lent, by his Majesty's subjects in Great Britain, upon mortgages, or other securities, on estates in the kingdom of Ireland, and also in his Majesty's colonies or plantations in the West Indies; which loans have been found to contribute greatly to the improvement of the said kingdom, colonies, and plantations: and whereas it has frequently been found convenient to execute such mortgages or securities, and the transfers or assignments thereof, in Great Britain: and whereas doubts have arisen, whether such loans, and the mortgages or securities for the same, and the transfers or assignments thereof, when made and executed in Great Britain, are as valid and effectual as when made and executed in the said kingdom of Ireland, colonies, plantations, or dominions; and, by reason of an act, passed in the twelfth year of the reign of her late majesty Queen Anne, intituled, *An act to reduce the rate of interest, without any prejudice to parliamentary securities, whether such mortgages or securities are valid and effectual where the rate of interest thereby reserved or made payable is more than five pounds per Centum, though such interest does not exceed the rate of interest allowed and established by the law of the kingdom of Ireland, colony, plantation, country, or place, in which the estates comprised in such mortgages or securities respectively are; and whether his Majesty's subjects in Great Britain have not, or may not, become subject or liable to penalties or forfeitures by receiving*

or taking interest for the sums of money really and bona fide advanced or lent on such mortgages or securities, at the rate of interest allowed and established by the law of the kingdom, colony, plantation, country, or place, wherein the mortgaged estates respectively lie: For obviating such doubts, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all mortgages and securities which, by any of his Majesty's subjects, already have been made and executed in *Great Britain*, of or concerning any lands, tenements, hereditaments, slaves, cattle, or other things, lying and being in the kingdom of *Ireland*, or in any of the said colonies, plantations or dominions, or any estate or interest therein, to any of his Majesty's subjects, for securing the repayment of the sums of money thereon respectively really and *bona fide* advanced and lent, with interest for the same; and all bonds, covenants, and securities, for payment of the same sums of money and interest respectively, and all transfers or assignments which have been made and executed in *Great Britain* of such mortgages, securities, or bonds, to any of his Majesty's subjects; shall be as good, valid, and effectual, to all intents and purposes whatsoever, as such mortgages, securities, bonds, covenants, transfers or assignments, would have been, if the same had been made and executed in the kingdom, island, plantation, country, or place, where the lands, tenements, hereditaments, slaves, cattle, or other things, mentioned and comprised in any such mortgage, security, transfer, or assignment, as aforesaid, severally lie or are; and that none of his Majesty's subjects in *Great Britain* shall be subject or liable to any of the penalties or forfeitures in the said act, made in the twelfth year of her said late Majesty's reign, by receiving or taking interest for the sum or sums of money really and *bona fide* advanced or lent on any such mortgage, security, bond, covenant, transfer, or assignment, as aforesaid, at the rate of interest allowed and established by the law of the kingdom, colony, plantation, country, or place, wherein the mortgaged premises respectively lie or are.

All mortgages, &c. executed in Britain, of lands in Ireland, or the colonies, or interest therein, for securing sums lent,

to be as effectual, as if executed in the place where the lands lie;

and no British subject is liable to the penalties of act 12 Annæ.

II. And be it further enacted by the authority aforesaid, That all mortgages and securities which, by any of his Majesty's subjects, after the passing of this act, shall be made and executed in *Great Britain*, of or concerning any lands, tenements, hereditaments, slaves, cattle, or other things, lying and being in the kingdom of *Ireland*, or in any of the said colonies, plantations, or dominions, or any estate or interest therein, to any of his Majesty's subjects, for securing the repayment of the sums of money thereon respectively to be really and *bona fide* advanced and lent, with interest for the same; and all bonds, covenants, and securities, for payment of the same sums of money, and interest respectively, and all transfers or assignments which, after the passing of this act, shall be made and executed in *Great Britain* of such mortgages, securities, or bonds, to any of his Majesty's

Transfers of such mortgages executed in Britain concerning lands in Ireland, in the colonies, &c. to be valid.

Majesty's subjects, shall be as good, valid, and effectual, to all intents and purposes whatsoever, as such mortgages, securities, bonds; covenants, transfers, or assignments, would be if the same were made and executed in the kingdom, island, plantation, country, or place, where the lands, tenements, hereditaments, slaves, cattle, or other things to be mentioned or comprised in any such mortgage, security, transfer, or assignment, as aforesaid, severally lie or are: and that none of his Majesty's subjects in *Great Britain* shall be subject or liable to any of the penalties or forfeitures in the said act, made in the twelfth year of her said late Majesty's reign, by receiving or taking interest for the sum or sums of money to be really and *bona fide* advanced or lent on any such mortgage, security, bond, covenant, transfer, or assignment, as aforesaid, so as the interest so to be received or taken do not exceed the rate of six pounds for one hundred pounds for a year; the aforesaid act of parliament, or any other law or statute to the contrary notwithstanding.

Not to make good such mortgage, if the lender has advanced more than the lands are worth.

III. Provided always, and it is hereby declared, That this act shall not make good, valid, or effectual, any such mortgage, security, bond, covenant, transfer, or assignment, where the lender or lenders of any sum or sums of money has or have knowingly advanced or lent, or shall knowingly advance or lend thereon, more money than the lands, tenements, hereditaments, slaves, cattle, or other things, in such mortgages, securities, transfers, or assignments, mentioned or comprised, or to be mentioned or comprised, was, were, or shall be, at the time or times of advancing or lending such sum or sums of money as aforesaid, really and *bona fide* worth, to be sold.

Persons borrowing sums exceeding the value which the lands shall be worth, to forfeit triple the value of the sum.

IV. And be it enacted by the authority aforesaid, That all and every person or persons, borrowing any sum or sums of money under the authority of this act, upon any such lands, tenements, hereditaments, slaves, cattle, or other things, as aforesaid, exceeding the value which the same shall be, at the time of borrowing such sum or sums of money, really and *bona fide* worth to be sold over and above all incumbrances which shall then affect the same, shall forfeit triple the value of the sum borrowed; the one half to be paid to the informer, and the other half to the treasurer of the royal hospital for seamen, at *Greenwich*, in the county of *Kent*, or to his sufficient deputy or agent, for the use of the said hospital.

One half to the informer, and the other to *Greenwich Hospital*.

Mortgages to be registered in the colony, &c. where the lands lie.

V. Provided also, and be it enacted, That all such mortgages, or other securities granted under the authority of this act, by which such lands, tenements, hereditaments, slaves, cattle, or other things, are intended to be charged or affected, shall be registered within the kingdom, island, colony, plantation, country, or place, where the said lands, tenements, hereditaments, slaves, cattle, or other things, severally lie, or are within the time limited by the laws of such kingdom, island, colony, plantation, country, or place, otherwise the same shall be subject to the several provisions and penalties contained in the said act, made in the twelfth year of her late majesty *Queen Anne*, in such

such manner as the same would have been if this act had never been passed, unless the mortgagee, or other person or persons, for whose behoof such mortgage or other security shall have been made or granted, shall have *bona fide* used his or their utmost endeavour to cause the same to be registered within the time herein-before limited for that purpose.

C A P. LXXX.

An act to continue the several laws therein mentioned, for the better encouragement of the making of sail cloth in Great Britain; and for securing the duties upon foreign-made sail cloth, and charging foreign-made sails with a duty.

WHEREAS the laws herein-after mentioned are near expiring; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the thirty-third year of the reign of his late majesty King George the second, intituled, *An act to continue an act made in the twelfth year of the reign of her late majesty Queen Anne, intituled, An act for the better encouragement of the making of sail cloth in Great Britain*, which was to continue in force until the twenty-ninth day of September, one thousand seven hundred and sixty-seven, and from thence to the end of the then next session of parliament; and which by an act made in the eighth year of the reign of his present Majesty, was further continued, from the expiration thereof, to the twenty-ninth day of September, one thousand seven hundred and seventy-four, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued, from the expiration thereof, to the twenty-ninth day of September, one thousand seven hundred and eighty-one, and from thence to the end of the then next session of parliament.

II. And be it further enacted by the authority aforesaid, That an act made in the nineteenth year of the reign of his late majesty King George the second, for the more effectual securing the duties now payable on foreign-made sail cloth, imported into this kingdom, and for charging all foreign-made sails with a duty; and for explaining a doubt concerning ships being obliged, at their first setting out to sea, to be furnished with one compleat set of sails made of *British* sail cloth, which was to continue in force from the twenty-fourth day of June, one thousand seven hundred and forty-six, for the term of seven years, and from thence to the end of the then next session of parliament; and which, by three subsequent acts, made in the twenty-sixth and thirty-second years of the reign of his said late Majesty, and of the sixth year of the reign of his present Majesty, was further continued until the twenty-fourth day of June,

further conti-
nued till June
24, 1781.

one thousand seven hundred and seventy-four, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued from the expiration thereof, until the twenty-fourth day of June, one thousand seven hundred and eighty-one, and from thence to the end of the then next session of parliament.

C A P. LXXXI.

An act for altering and amending an act, made in the sixteenth year of his late Majesty's reign, intituled, An act to explain and amend the laws touching the election of members to serve for the commons in parliament, for that part of Great Britain called Scotland; and to restrain the partiality, and regulate the conduct, of returning officers at such elections, by altering the time of notice, ordered by the said act to be given, in the service of complaints to the court of session, of wrongs done in elections, and by regulating the manner, and settling the place, of election of a burges to serve in parliament for a district of boroughs in Scotland, when the election of the magistrates and council of a borough, which ought in course to be the presiding borough at an election, happens to be reduced, and made void, by a decree of the court of session, and not revived by the crown, when such election is made.

Preamble.

Act 16 Geo. 2.

WHEREAS by an act, made in the sixteenth year of his late Majesty's reign, intituled, An act to explain and amend the laws touching the elections of members to serve for the commons in parliament, for that part of Great Britain called Scotland; and to restrain the partiality, and regulate the conduct, of returning officers, at such elections; *complaints to the court of session, for redress of wrongs committed by the inrolling, or refusing to inrol, persons claiming to be inrolled in the roll of freeholders, or in the annual elections of royal boroughs, are ordered to be served upon thirty days notice: and whereas it is found by experience, so long notice is unnecessary, and occasions delay in the summary determination of such complaints, agreeable to the intendment of the said act; may it therefore please your Majesty that it may be enacted, and be it enacted by the king's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twelfth day of June, in the year of our Lord one thousand seven hundred and seventy-four, the court of session shall grant warrants for the service of all such complaints as aforesaid, upon fifteen days notice,*

Court of session, on 15 days notice, shall grant warrants for service of complaints for redress of wrongs committed by inrolling at elections.

Election of a burges to serve in parliament regulated.

II. *And whereas the elections of magistrates and counsellors of royal boroughs in Scotland have sometimes been reduced and made void, by decrees of the court of session, in actions or complaints brought before the said court for that purpose, by which the corporate powers of such boroughs are in effect in a state of nonexistence, until restored by the justice and favour of the crown: and whereas no provision is made in the aforesaid act of the sixteenth year of the reign of his late Majesty, or any other act now in being, for regulating the manner, and settling the place,*

place, of election of a burghs to serve in parliament for a district of boroughs in Scotland, when the election of magistrates and council of a borough, which ought in course to have been the presiding borough at the election, happens to be reduced, and not revived when the election is made: for remedying thereof, be it enacted by the authority aforesaid, That in every election of a burghs to serve in parliament for a district of boroughs in Scotland, when it shall happen that the election of the magistrates and council of the borough, which ought to have been the presiding borough at such election, is reduced and not revived, the next borough intitled to preside in turn shall be the presiding borough, and the election shall be made at that borough; and the commissioner for that borough shall be the president of the meeting of commissioners for the election, and have a casting and decisive vote, beside his own as commissioner, where the votes of commissioners are equal; and the common clerk of that borough shall be clerk to the election; and every matter and thing concerning the election shall be proceeded in as if that borough had been the presiding borough, in the ordinary course of rotation.

III. And be it further enacted by the authority aforesaid, *That the borough which would have been the presiding borough at the election, if the election of the magistrates and counsellors of such borough had not been reduced, shall, when revived by the justice and favour of the crown, have no right or title to be a presiding borough in the election of a burghs to serve in parliament for the district of boroughs of which it is one, until the other boroughs of the district, each in their turn, have successively presided, and that the right devolves upon such borough in the ordinary course of rotation.*

The presiding borough of the district how to be ascertained.

C A P. LXXXII.

An act for explaining and altering an act, made in the thirteenth year of his present Majesty's reign, intituled, An act to explain and amend, and reduce into one act of parliament, the general laws now in being for regulating of turnpike roads in that part of Great Britain called England, and for other purposes; so far as the same relates to the payment of additional tolls at weighing engines, and the number of horses to be used in carriages drawn on turnpike roads: and for allowing certain exemptions with respect to weight and payment of toll in particular cases.

WHEREAS much inconvenience has been found to arise Preamble.
from the heavy additional tolls authorised and directed to be taken by an act, passed in the last session of parliament, intituled, An act to explain and amend, and reduce into one act of parliament, the general laws now in being for regulating of turnpike roads in that part of Great Britain called England, and for other purposes, from persons who have in waggons, carts, or carriages, carried greater weights than are thereby allowed upon turnpike roads: and whereas it is expedient and necessary to make some alteration with respect to such additional tolls, in order to prevent innocent persons from suffering unwarily or inadvertently thereby: and whereas

Act 13 Geo. 3.

the permitting any waggon, cart, or carriage, when weighed at any weighing engine, to be drawn by an unlimited number of horses, has been found, on trial, to be inconvenient, and liable to abuse: for remedy thereof, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That so much of the said before-recited act, as impowers the trustees of any turnpike road to receive and take the additional toll of twenty shillings for every hundred weight, which any waggon, cart, or carriage, together with its loading, shall weigh at any weighing engine, over and above the weight allowed thereby; and also so much thereof as permits any waggon, cart, or carriage, after having been weighed as aforesaid, to be drawn by an unlimited number of horses; shall be, and is hereby repealed.

Part of the said act repealed.

Additional tolls to be hereafter taken for extra weights on waggons.

II. And be it further enacted by the authority aforesaid, That from and after the first day of *August*, one thousand seven hundred and seventy-four, it shall and may be lawful for all trustees, appointed by any act or acts of parliament, for the repair of any turnpike road within that part of *Great Britain* called *England*, or any five or more of them, or for any person or persons properly empowered by any five or more of them, to receive and take over and above the tolls already granted, or hereafter to be granted, the following sums of money, as additional tolls for every hundred weight of one hundred and twelve pounds to the hundred, which any waggon, cart, or carriage, together with the loading thereof, shall weigh at any weighing engine erected, or to be erected, over and above the weights by the before-recited act allowed to each of them respectively; that is to say, for the first and second hundred of such over weight, the sum of three-pence, for each hundred; for every hundred of such over weight above two hundred, and not exceeding five hundred, the sum of six-pence; for every hundred of such over weight above five hundred, and not exceeding ten hundred, the sum of two shillings and sixpence; for every hundred of such over weight above ten hundred, and not exceeding fifteen hundred, the sum of five shillings; and for every hundred of such over weight above fifteen hundred, the sum of twenty shillings; which said additional toll or duty, hereby granted and made payable at any weighing engine, as aforesaid, shall and may be levied and recovered in any of the cases aforesaid, upon any person liable thereto, or upon his or her goods or chattels, who shall, after demand made thereof, refuse or neglect to pay the same, in such manner as any other toll or duty payable at the same toll-gate or bar, where any such engine shall be erected, is or shall be by law to be levied and recovered; and the money arising from such additional toll or duty shall be applied to the repairs of the turnpike road where the same shall be collected.

III. And be it further enacted, That from and after the said first day of *August*, no waggon, cart, or carriage, employed only

No waggon, cart, or carriage, employ-

in

in husbandry, or carrying only manure or lime for the improvement of land, or hay, straw, fodder, or corn unthreshed, (excepting hay or straw carried for sale), shall be weighed at any weighing engine now erected, or hereafter to be erected; any law or usage to the contrary notwithstanding.

ed in husbandry, to be weighed.

IV. And be it further enacted, That the trustees of the several turnpike roads within ten miles of the cities of *London* and *Westminster*, and the borough of *Southwark*, may, and they are hereby impowered, at their general or quarterly meetings, to lower the several additional tolls hereby directed to be taken, as aforesaid, for over weight, in such manner as to them shall seem fit and convenient.

Trustees within 10 Miles of London, &c. may lower the tolls.

V. And whereas the exemption from toll in the before recited act, given to waggons, carts, and carriages, moving upon rollers of the breadth of sixteen inches on each side thereof, with flat surfaces, during the term of one year only, is found not to be a sufficient encouragement to induce persons to erect and make use of the same; be it therefore enacted, That all such waggons, carts, and carriages, shall, for and during the term of five years, to be computed from the twenty-ninth day of *September*, one thousand seven hundred and seventy-four, be permitted to pass or be drawn upon any turnpike road toll-free; any law to the contrary thereof in any-wise notwithstanding: and from and after the expiration of such term, then to pay half toll only, as directed by the before-recited act.

Waggons, carts, &c. moving upon rollers to pass toll free for five years.

and after that term, to pay only half toll.

C A P. LXXXIII.

An act for making more effectual provision for the government of the province of Quebec in North America.

WHEREAS his Majesty, by his royal proclamation, bearing date the seventh day of *October*, in the third year of his reign, thought fit to declare the provisions which have been made in respect to certain countries, territories, and islands in America, ceded to his Majesty by the definitive treaty of peace, concluded at *Paris* on the tenth day of *February*, one thousand seven hundred and sixty-three: and whereas, by the arrangements made by the said royal proclamation, a very large extent of country, within which there were several colonies and settlements of the subjects of France, who claimed to remain therein under the faith of the said treaty, was left, without any provision being made for the administration of civil government therein; and certain parts of the territory of Canada, where sedentary fisheries had been established and carried on by the subjects of France, inhabitants of the said province of Canada, under grants and concessions from the government thereof, were annexed to the government of Newfoundland, and thereby subjected to regulations inconsistent with the nature of such fisheries: may it therefore please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all the territories, islands, and countries in North

Preamble.

The territories, islands,

and countries,
in North Ame-
rica, belong-
ing to Great
Britain,

America, belonging to the crown of *Great Britain*, bounded on the south by a line from the bay of *Chaleurs*, along the high lands which divide the rivers that empty themselves into the river *Saint Lawrence* from those which fall into the sea, to a point in forty-five degrees of northern latitude, on the eastern bank of the river *Connecticut*, keeping the same latitude directly west, through the lake *Champlain*, until, in the same latitude, it meets the river *Saint Lawrence*; from thence up the eastern bank of the said river to the lake *Ontario*; thence through the lake *Ontario*, and the river commonly called *Niagara*; and thence along by the eastern and south-eastern bank of lake *Erie*, following the said bank, until the same shall be intersected by the northern boundary, granted by the charter of the province of *Pennsylvania*, in case the same shall be so intersected; and from thence along the said northern and western boundaries of the said province, until the said western boundary strike the *Ohio*: but in case the said bank of the said lake shall not be found to be so intersected, then following the said bank until it shall arrive at that point of the said bank which shall be nearest to the north-western angle of the said province of *Pennsylvania*; and thence, by a right line, to the said north-western angle of the said province; and thence along the western boundary of the said province, until it strike the river *Ohio*; and along the bank of the said river, westward, to the banks of the *Mississippi*, and northward to the southern boundary of the territory granted to the merchants adventurers of *England*, trading to *Hudson's Bay*; and also all such territories, islands, and countries, which have, since the tenth of *February*, one thousand seven hundred and sixty-three, been made part of the government of *Newfoundland*, be, and they are hereby, during his Majesty's pleasure, annexed to, and made part and parcel of the province of *Quebec*, as created and established by the said royal proclamation of the seventh of *October*, one thousand seven hundred and sixty-three.

annexed to
the province
of *Quebec*.

Not to affect
the boundaries
of any other
colony;

nor to make
void other
rights for-
merly granted.

II. Provided always, That nothing herein contained, relative to the boundary of the province of *Quebec*, shall in anywise affect the boundaries of any other colony.

III. Provided always, and be it enacted, That nothing in this act contained shall extend, or be construed to extend, to make void, or to vary or alter any right, title, or possession, derived under any grant, conveyance, or otherwise howsoever, of or to any lands within the said province, or the provinces thereto adjoining; but that the same shall remain and be in force, and have effect, as if this act had never been made.

Former provi-
sions made for
the province
to be null and
void after
May 1, 1775.

IV. And whereas the provisions, made by the said proclamation, in respect to the civil government of the said province of *Quebec*, and the powers and authorities given to the governor and other civil officers of the said province, by the grants and commissions issued in consequence thereof, have been found, upon experience, to be inapplicable to the state and circumstances of the said province, the inhabitants whereof amounted, at the conquest, to above sixty-five thousand persons professing the religion of the church of Rome, and enjoying an established form of constitution and system of laws, by which their persons

sens and property had been protected, governed, and ordered, for a long series of years, from the first establishment of the said province of Canada; be it therefore further enacted by the authority aforesaid, That the said proclamation, so far as the same relates to the said province of Quebec, and the commission under the authority whereof the government of the said province is at present administered, and all and every the ordinance and ordinances made by the governor and council of Quebec for the time being, relative to the civil government and administration of justice in the said province, and all commissions to judges and other officers thereof, be, and the same are hereby revoked, annulled, and made void, from and after the first day of May, one thousand seven hundred and seventy-five.

V. *And, for the more perfect security and ease of the minds of the inhabitants of the said province, it is hereby declared, That his Majesty's subjects, professing the religion of the church of Rome* of and in the said province of *Quebec*, may have, hold, and enjoy, the free exercise of the religion of the church of *Rome*, subject to the King's supremacy, declared and established by an act, made in the first year of the reign of Queen *Elizabeth*, over all the dominions and countries which then did, or thereafter should belong, to the imperial crown of this realm; and that the clergy of the said church may hold, receive, and enjoy, their accustomed dues and rights, with respect to such persons only as shall profess the said religion.

Inhabitants of Quebec may profess the Romish religion, subject to the King's supremacy, as by act 1 Eliz.; and the clergy enjoy their accustomed dues.

VI. Provided nevertheless, That it shall be lawful for his Majesty, his heirs or successors, to make such provision out of the rest of the said accustomed dues and rights, for the encouragement of the protestant religion, and for the maintenance and support of a protestant clergy within the said province, as he or they shall, from time to time, think necessary and expedient.

Provision may be made by his Majesty for the support of the protestant clergy.

VII. Provided always, and be it enacted, That no person, professing the religion of the church of *Rome*, and residing in the said province, shall be obliged to take the oath required by the said statute passed in the first year of the reign of Queen *Elizabeth*, or any other oaths substituted by any other act in the place thereof; but that every such person who, by the said statute is required to take the oath therein mentioned, shall be obliged, and is hereby required, to take and subscribe the following oath before the governor, or such other person in such court of record as his Majesty shall appoint, who are hereby authorized to administer the same; *videlicet.*

No person professing the Romish religion obliged to take the oath of 1 Eliz.; but to take, before the governor, &c. the following oath.

I A. B. *do sincerely promise and swear, That I will be faithful, and bear true allegiance to his majesty King George, and him will defend to the utmost of my power, against all traiterous conspiracies, and attempts whatsoever, which shall be made against his person, crown, and dignity; and I will do my utmost endeavour to disclose and make known to his majesty, his heirs and successors, all treasons, and traiterous conspiracies, and attempts, which I shall know to be against him, or any of them; and all this I do swear without any equivocation, men-*

The oath.

of evasion, or secret reservation, and renouncing all pardons and dispensations from any power or person whomsoever to the contrary.

So help me GOD.

Persons refusing the oath to be subject to the penalties by act 1 Eliz.

And every such person, who shall neglect or refuse to take the said oath before mentioned, shall incur and be liable to the same penalties, forfeitures, disabilities, and incapacities, as he would have incurred and been liable to for neglecting or refusing to take the oath required by the said statute passed in the first year of the reign of Queen *Elizabeth*.

His Majesty's Canadian subjects (religious orders excepted) may hold all their possessions, &c.

VIII. And be it further enacted by the authority aforesaid, That his Majesty's *Canadian* subjects, within the province of *Quebec*, the religious orders and communities only excepted, may also hold and enjoy their property and possessions, together with all customs and usages relative thereto, and all other their civil rights, in as large, ample, and beneficial manner, as if the said proclamation, commissions, ordinances, and other acts and instruments, had not been made, and as may consist with their allegiance to his Majesty, and subjection to the crown and parliament of *Great Britain*; and that in all matters of controversy, relative to property and civil rights, resort shall be had to the laws of *Canada*, as the rule for the decision of the same; and all causes that shall hereafter be instituted in any of the courts of justice, to be appointed within and for the said province, by his Majesty, his heirs and successors, shall, with respect to such property and rights, be determined agreeably to the said laws and customs of *Canada*, until they shall be varied or altered by any ordinances that shall, from time to time, be passed in the said province by the governor, lieutenant governor, or commander in chief, for the time being, by and with the advice and consent of the legislative council of the same, to be appointed in manner herein-after mentioned.

and in matters of controversy, resort to be had to the laws of *Canada* for the decision.

Not to extend to lands granted by his Majesty in common soccage.

IX. Provided always, That nothing in this act contained shall extend, or be construed to extend, to any lands that have been granted by his Majesty, or shall hereafter be granted by his Majesty, his heirs and successors, to be holden in free and common soccage.

Owners of goods may alienate the same by will, &c.

X. Provided also, That it shall and may be lawful to and for every person that is owner of any lands, goods, or credits, in the said province, and that has a right to alienate the said lands, goods, or credits, in his or her life-time, by deed of sale, gift, or otherwise, to devise or bequeath the same at his or her death, by his or her last will and testament; any law, usage, or custom, heretofore or now prevailing in the province, to the contrary hercof in any-wise notwithstanding; such will being executed, either according to the laws of *Canada*, or according to the forms prescribed by the laws of *England*.

If executed according to the laws of *Canada*.

Criminal law of *England* to be continued

XI. And whereas the certainty and lenity of the criminal law of *England*, and the benefits and advantages resulting from the use of it, have been sensibly felt by the inhabitants, from an experience of more than

than nine years, during which it has been uniformly administered; be in the province. it therefore further enacted by the authority aforesaid, That the same shall continue to be administered, and shall be observed as law in the province of *Quebec*, as well in the description and quality of the offence as in the method of prosecution and trial; and the punishments and forfeitures thereby inflicted to the exclusion of every other rule of criminal law, or mode of proceeding thereon, which did or might prevail in the said province before the year of our Lord one thousand seven hundred and sixty-four; any thing in this act to the contrary thereof in any respect notwithstanding; subject nevertheless to such alterations and amendments as the governor, lieutenant-governor, or commander in chief for the time being, by and with the advice and consent of the legislative council of the said province, hereafter to be appointed, shall, from time to time, cause to be made therein, in manner herein-after directed.

XII. *And whereas it may be necessary to ordain many regulations for the future welfare and good government of the province of Quebec, the occasions of which cannot now be foreseen, nor, without much delay and inconvenience, be provided for, without intrusting that authority, for a certain time, and under proper restrictions, to persons resident there: and whereas it is at present inexpedient to call an assembly;* be it therefore enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs and successors, by warrant under his or their signet or sign manual, and with the advice of the privy council, to constitute and appoint a council for the affairs of the province of *Quebec*, to consist of such persons resident there, not exceeding twenty-three, nor less than seventeen, as his Majesty, his heirs and successors, shall be pleased to appoint; and, upon the death, removal, or absence of any of the members of the said council, in like manner to constitute and appoint such and so many other person or persons as shall be necessary to supply the vacancy or vacancies; which council, so appointed and nominated, or the major part thereof, shall have power and authority to make ordinances for the peace, welfare, and good government, of the said province, with the consent of his Majesty's governor, or, in his absence, of the lieutenant-governor, or commander in chief for the time being.

His Majesty may appoint a council for the affairs of the province;

31 & 3. C. 31
12

which council may make ordinances, with consent of the governor.

XIII. Provided always, That nothing in this act contained shall extend to authorise or empower the said legislative council to lay any taxes or duties within the said province, such rates and taxes only excepted as the inhabitants of any town or district within the said province may be authorised by the said council to assess, levy, and apply, within the said town or district, for the purpose of making roads, erecting and repairing public buildings, or for any other purpose respecting the local convenience and oeconomy of such town or district.

The council are not empowered to lay taxes.

Public roads or buildings excepted.

XIV. Provided also, and be it enacted by the authority aforesaid, That every ordinance so to be made, shall, within six months, be transmitted by the governor, or, in his absence, by the lieutenant-governor, or commander in chief for the time being, to his Majesty for his approbation.

being, and laid before his Majesty for his royal approbation; and if his Majesty shall think fit to disallow thereof, the same shall cease and be void from the time that his Majesty's order in council thereupon shall be promulgated at *Quebec*.

Ordinances touching religion not to be in force without his Majesty's approbation.

XV. Provided also, That no ordinance touching religion, or by which any punishment may be inflicted greater than fine or imprisonment for three months, shall be of any force or effect, until the same shall have received his Majesty's approbation.

When ordinances are to be passed by a majority.

XVI. Provided also, That no ordinance shall be passed at any meeting of the council where less than a majority of the whole council is present, or at any time except between the first day of *January* and the first day of *May*, unless upon some urgent occasion, in which case every member thereof resident at *Quebec*, or within fifty miles thereof, shall be personally summoned by the governor, or, in his absence, by the lieutenant-governor or commander in chief for the time being, to attend the same.

Nothing to hinder his Majesty to constitute courts of criminal, civil, and ecclesiastical jurisdiction.

XVII. And be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to prevent or hinder his Majesty, his heirs and successors, by his or their letters patent under the great seal of *Great Britain*, from erecting, constituting, and appointing, such courts of criminal, civil, and ecclesiastical jurisdiction within and for the said province of *Quebec*, and appointing, from time to time, the judges and officers thereof, as his Majesty, his heirs and successors, shall think necessary and proper for the circumstances of the said province.

All acts formerly made are hereby enforced within the province.

XVIII. Provided always, and it is hereby enacted, That nothing in this act contained shall extend, or be construed to extend, to repeal or make void, within the said province of *Quebec*, any act or acts of the parliament of *Great Britain* heretofore made, for prohibiting, restraining, or regulating, the trade or commerce of his Majesty's colonies and plantations in *America*; but that all and every the said acts, and also all acts of parliament heretofore made concerning or respecting the said colonies and plantations, shall be, and are hereby declared to be, in force, within the said province of *Quebec*, and every part thereof.

C A P. LXXXIV.

An act to prevent certain inconveniences that may happen by bills of naturalization.

Preamble.

WHEREAS it hath been found that many persons, born out of the allegiance of the crown of *Great Britain*, obtain bills of naturalization for the purpose of availing themselves in foreign countries of the immunities and indulgences belonging to his Majesty's trading subjects, by treaties, or otherwise; and in order to apply the said immunities and indulgences to promote the trade of the country to which the persons so naturalized originally belonged, and not with any design of fixing their residence in *Great Britain*, or of becoming useful subjects thereof: and whereas it is neither just nor expedient to permit

permit such abuses of the true intent of naturalization; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That no person shall hereafter be naturalized, unless in the bill exhibited for that purpose there shall be a clause or proviso inserted to declare that such person shall not thereby obtain, or become intitled to claim, within any foreign country, any of the immunities or indulgences in trade which are or may be enjoyed or claimed therein by natural-born *British* subjects, by virtue of any treaty, or otherwise, unless such person shall have inhabited and resided within *Great Britain*, or the dominions thereunto belonging, for the space of seven years, subsequent to the first day of the session of parliament in which the said bill of naturalization shall have passed, and shall not have been absent out of the same for a longer space than two months, at any one time, during the said seven years; and that no bill of naturalization shall hereafter be received, in either house of parliament, unless such clause or proviso be first inserted or contained therein.

Persons how
to be naturali-
zed hereafter.

C A P. LXXXV.

An act for granting to his Majesty a certain sum of money out of the sinking fund; and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and seventy-four; and for further appropriating the supplies granted in this session of parliament, for carrying to the aggregate fund a sum of money which hath arisen by the two sevenths excise; and for enabling the barons of the exchequer in Scotland to make out a certificate for the payment of the sum of five hundred pounds to lady Anne Mackenzie, out of the balance remaining of the sum of seventy-two thousand pounds, granted for paying the creditors of the forfeited estates in Scotland.

Not exceeding 2,080,696l. 12s. 8d. 1q. granted out of the fund, for the service of the current year; to be issued by the treasury accordingly. Treasury empowered to raise the said sum, or any part thereof, by loans or exchequer bills, on the credit of the sinking fund. All persons who shall lend any money upon the credit of this act have a tally of loan, with orders for repayment of the money with interest. Orders to be registered in course. No undue preference to be given in payment. No fee to be taken on forfeiture of treble damages, with full costs. Penalty of undue preference in point of registry or payment. Auditor, &c. neglecting his duty, liable for damages, &c. to be recovered at Westminster. No undue preference in the registering, where orders are brought the same day; nor if subsequent orders are paid before others not brought in course, so as money be reserved for the preceding orders. Power of assignment, and method of transferring of orders. If it shall be judged more advisable, the treasury may raise the said sum by exchequer bills, instead of loans; the bills in such case to be made as those prescribed by the malt act of this session. All advantages and penalties in the malt act of this session, relating to loans or exchequer bills thereby authorized to be made forth, extended to this act. The said exchequer bills, interest, and charges, are to be paid out of the sinking fund. Bank authorised to lend to his Majesty the sum of 2,080,696l. 12s. 8d. 1q. notwithstanding act 5 & 6 Geo. I. & Mar. The sum of 113,190l. 11s. 7d. 1q. surplus of the sinking fund in the exchequer on 5 Jan. 1774; 619,303l. 7s. 3d. 3q. remaining in the exchequer on April, 1774; and 123,981l. 7d. 5d. remaining in the exchequer for 1773; and such monies as shall be paid into
the

the exchequer between April 5, 1774, and April 5, 1775, of the produce of the duties on Gum Senega and Gum Arabic; 20,237l. 5s. 3d. remaining in the exchequer of the duties on rice exported, and on apples imported, cambricks and sugars, granted by 6 Geo. 3. and out of implett monies remaining for the disposition of parliament; and 16,500l. 4d. in the hands of the treasurer of Chelsea Hospital; and 30,561l. 9s. 3d. paid into the exchequer by acts 2 & 9 Geo. 3. 15,000l. for supporting the necessary expences of forces in America, Nova Scotia, Newfoundland, and the ceded islands, out of the monies to be paid into the exchequer on April 5 1775. Appropriation of the supplies. The monies arising by the malt tax, land tax, loans; lottery; and 113,190l. 11s. 7d. 1q. remaining in the exchequer on Jan. 5, 1774; and 619,303l. 7s. 3d. 3q. remaining in the exchequer on April 5, 1774. for the disposition of parliament; and 126,981l. 7s. 5d. now remaining of the grants for 1773; and such monies as shall be paid into the exchequer after April 5, 1775, of the produce of the duties on Gum Senega, and Gum Arabic; and 20,237l. 5s. 3d. of the monies on rice exported, and duties on apples imported, and on cambricks and sugars, by act 6 Geo. 3. &c. and 16,500l. 4d. of balance in the hands of the deputy treasurer of Chelsea Hospital; and 30,561l. 9s. 3d. paid into the exchequer by the receivers-general in England and Wales, that have not raised the militia; and 2,080,696l. 12s. 8d. 1q. by this act granted, out of the excesses, &c. composing the sinking fund; together with the money arising from the sale of French prizes taken before the declaration of war; and also such sums of money as his Majesty shall direct to be applied to the public service, which shall arise by the sale of the ceded islands in the West Indies. Not exceeding 1,904,917l. 4s. 3d. to be issued out of the supplies towards naval services. 200,000l. towards paying off the debt of the navy. Not exceeding 244,699l. 17s. 5d. charges of the office of ordnance; 26,425l. 2d. for charges of the office of ordnance not provided for in 1773; 1,534,720l. 14s. 8d. and 1-8th of a penny, towards the land forces; of which 638,630l. 16s. 10d. for defraying the charges of 18,024 effective men, &c. and 1522 invalids, for guards, &c. in Great Britain, &c. 360,662l. 13s. 4d. and 1-8th of a penny, for forces and garrisons in Africa, &c. Not exceeding 467l. 3d. to make good the difference of pay between the British and Irish establishment of the troops in the Isle of Man, &c.; 11,473l. 18s. 6d. 2q. for general and general staff officers in Great Britain; 107,525l. 19s. 2d. to the reduced officers of the land forces and marines; 1010l. 2s. 1d. to the troops of horse guards reduced, &c. 628l. to the pensions of officers widows; 122,731l. 5s. to the out-pensioners of Chelsea Hospital. Not exceeding 288,030l. 19s. 5d. 2q. towards extraordinary expences of the land forces, and other services incurred, and not provided for. 1,000,000l. for discharging exchequer bills of last session. 20,100l. to make good to his Majesty the like sum issued in pursuance of the addresses of the house of commons. 4346l. 10s. 5d. for supporting the civil establishment of Nova Scotia; 3086l. for the civil establishment of Georgia; not exceeding 4950l. for the civil establishment of East Florida; 4850l. for the civil establishment of West Florida; 2085l. 4s. for defraying expences attending surveys in North America. 13,000l. for repairing and maintaining the forts in Africa; 6336l. 9d. 2q. for supporting the civil establishment of Senegambia. Not exceeding 2000l. to the trustees of the British Museum, &c. 6998l. 18s. 7d. on account of the expence of new roads, &c. in the Highlands of Scotland in 1774. 250,000l. for defraying the deficiency of the gold coin, &c. 2500l. to Mr. Hartley, for enabling him in the charge of his discovery to secure buildings, &c. from fire. 880,000l. granted to his Majesty, to be payable to persons who have subscribed their capital of 3 per cent. &c. Not exceeding 43,645l. 12s. 8d. to the sinking fund to make good the deficiency on July 5, 1773. The said aid to be applied only to the uses before mentioned. Rules to be observed in the application of the half pay. By act 13 Geo. 3. a sum not exceeding 111,127l. 5s. 10d. was appropriated to be paid to the reduced officers. Overplus monies, above satisfying said officers, to be disposed of to officers who were maimed, &c. in the late wars, or to officers widows and children, as his Majesty

jeſty ſhall direct. 23,637l. 11 s. 10 d. 3q. remaining in the exchequer on April 5, 1774, to be made part of The Aggregate fund. By act 10 Geo. 3. 72,000 l. was granted for diſcharging debts on the forfeited eſtate of the late earl of Cromarty, &c. Out of the ſaid ſum of 72,000 l. barons of the exchequer in Scotland, to make out a debenture to his Maſteſty's receiver general of land rents there, for payment of 500 l. to lady Anne Mackenzie; which debenture to be a ſufficient diſcharge.

C A P. LXXXVI.

An act to continue ſeveral laws therein mentioned, relating to the allowing a drawback of the duties upon the exportation of copper bars imported; to the clandestine running of uncuſtomed goods, and preventing frauds relating to the cuſtoms; to the encouragement of the ſilk manufactures, and for taking off ſeveral duties on merchandiſe exported, and reducing other duties; to prevent the clandestine running of goods, and the danger of infection thereby; to the premiums upon maſts, yards, and bowsprits, tar, pitch, and turpentine; to the encouraging the growth of coffee in his Maſteſty's plantations in America; to the free importation of cochineal and indico; to the prohibiting the importation of books reprinted abroad, and firſt compoſed, written, and printed in Great Britain; to the bounty on the exportation of Britiſh-made cordage; to the free importation of certain raw hides and ſkins from Ireland, and the Britiſh plantations in America; to the regulating the fees of officers of the cuſtoms, and naval officers in America; to the preventing the ſpreading of the contagious diſorder among the horned cattle in Great Britain; and to extend the proviſions of an act of the twelfth year of the reign of King George the Firſt, for the improvement of his Maſteſty's revenues of cuſtoms, exciſe, and inland duties, ſo far as relates to the commencing prosecutions for penalties againſt the revenue of cuſtoms to ſubſequent acts.

WHEREAS the laws herein-aftermentioned, which have by experience been found uſeful and beneficial, are near expiring; may it therefore pleaſe your Maſteſty that it may be enacted; and be it enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That a clause in an act, made in the ninth and tenth years of the reign of his late maſteſty King William the Third, intituled, *An act to ſettle the trade to Africa, for allowing, during a limited time, a drawback of the duties upon the exportation of copper bars imported*, and which clause was to continue in force for the term of thirteen years, and from thence to the end of the then next ſeſſion of parliament; and which clause, after the expiration thereof, was, by an act, made in the twelfth year of the reign of her late maſteſty Queen Anne, revived, and continued; and alſo a proviſo in the laſt-mentioned act contained, that no drawback ſhould be allowed on the exportation of any copper, but ſuch as had been, or ſhould be, imported from the *Eaſt Indies*, and the coaſt of *Barbary* only; and which ſaid clause and proviſo, by ſeveral ſubſequent acts of the thirteenth year of the

Preamble.

Clause in act 9 & 10 Gul. 1. allowing a drawback on the exportation of copper bars imported, revived by 12 Annæ, reſpecting bars imported from the Eaſt Indies and Barbary only, and continued by act 13 Geo. 1. 15, 26, & 36

Geo. 2. and 6
Geo. 3. till
June 24, 1774.

further con-
tinued until
June 24, 1781.

Clauses in act
5 Geo. 1. re-
lating to fo-
reign goods
taken at sea,
&c.

and by act 9
Geo. 1. 2, 8,
15, 16, 20, 27,
& 33 Geo. 2.
7 Geo. 3.
continued un-
til Sept. 29,
1774.

further con-
tinued till
Sept. 29, 1781.

Act 8 Geo. 1.
relating to the
encourage-
ment of silk
manufactures,
&c.

reign of his late Majesty King *George* the First, and of the fifteenth, twenty-sixth, and thirty-second years of the reign of his late majesty King *George* the Second, and of the sixth year of the reign of his present Majesty, were continued until the twenty-fourth day of *June*, one thousand seven hundred and seventy-four, and from thence to the end of the then next session of parliament, shall be, and the same are hereby further continued, from the expiration thereof, until the twenty-fourth day of *June*, one thousand seven hundred and eighty-one, and from thence to the end of the then next session of parliament.

II. And be it further enacted by the authority aforesaid, That the several clauses in an act, made in the fifth year of the reign of his majesty King *George* the First, intituled, *An act against clandestine running of uncustomed goods; and for the more effectual preventing of frauds relating to the customs*; relating to such foreign goods, wares, and merchandises, as shall be taken in at sea, out of any ship or vessel, in order to be landed or put into any other ship or vessel, or boat; and also relating to goods not reported and found after clearing ships, and whereby further remedies are provided against relanding goods prohibited to be worn in this kingdom, and foreign goods shipped out for parts beyond the seas; and also relating to the opening or altering the package of goods on board ships outward bound; and also relating to hovering ships or vessels of the burthen of fifty tons, or under; and also concerning the bales or package in which coffee shall be exported; and also relating to rum imported in casks or vessels not containing twenty gallons at the least; and also relating to certificate goods entered in order to be exported to *Ireland*, which were to have continuance for the term of three years from the several times of the commencement thereof, and from thence the end of the then next session of parliament respectively; and which, by several subsequent acts, passed in the ninth year of his said Majesty's reign, and in the second, eight, fifteenth, sixteenth, twentieth, twenty-seventh, and thirty-third years of the reign of his late majesty King *George* the Second; and of the seventh year of the reign of his present Majesty, were further continued, from the expiration thereof, until the twenty-ninth day of *September*, one thousand seven hundred and seventy-four, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued, from the expiration thereof, to the twenty-ninth day of *September*, one thousand seven hundred and eighty-one, and from thence to the end of the then next session of parliament.

III. And be it further enacted by the authority aforesaid, That so much of an act, made in the eighth year of the reign of his late majesty King *George* the First, *for the encouragement of the silk manufactures of this kingdom; and for taking off several duties on merchandises exported; and for reducing the duties upon beaver skins, pepper, mace, cloves, and nutmegs imported; and for importation of all furs of the produce of the British plantations into this kingdom only; and that the two corporations of assurances in any suits brought*

brought on their polices shall be liable only to single damages and costs of suit; as relates to the encouragement of the silk manufactures of this kingdom; and to the taking off several duties on merchandises exported, which was to continue in force for three years, from the twenty-fifth day of *March*, one thousand seven hundred and twenty-two, and from thence to the end of the then next session of parliament; and which by several subsequent acts, made in the eleventh year of the reign of his late majesty King *George* the First, and in the second, eighth, fifteenth, twentieth, twenty-sixth, and thirty-second years of the reign of his late majesty King *George* the Second, and of the sixth year of the reign of his present Majesty, hath been continued until the twenty-fourth day of *June*, one thousand seven hundred and seventy-four, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued from the expiration thereof until the twenty-fourth day of *June*, one thousand seven hundred and eighty-one, and from thence to the end of the then next session of parliament.

and by act 11
Geo. 1. 2, 8.
15, 20, 26, &
32 Geo. 2.
6 Geo. 3.
continued till
June 24, 1774.

further con-
tinued till
June 24, 1781.

IV. And be it further enacted by the authority aforesaid, That an act, made in the eighth year of the reign of his late majesty King *George* the First, intituled, *An act to prevent the clandestine running of goods, and the danger of infection thereby; and to prevent ships breaking their quarantine; and to subject copper ore, of the production of the British plantations, to such regulations as other enumerated commodities of the like production are subject*, which was to be in force for two years from the twenty-fifth day of *March*, one thousand seven hundred and twenty-two, and from thence to the end of the then next session of parliament; and which by several subsequent acts (except the clauses obliging all ships and vessels to perform quarantine,) was to have further continuance to the first day of *June*, one thousand seven hundred and forty-seven, and from thence to the end of the then next session of parliament; and which, by an act, made in the twentieth year of the reign of his late majesty King *George* the Second, was intended to be further continued to the first day of *June*, one thousand seven hundred and fifty-four, but by mistake, the year one thousand seven hundred and forty-seven was inserted therein, instead of the said year one thousand seven hundred and fifty-four; and which, by several subsequent acts, made in the twenty-first, twenty-seventh, and thirty-third years of the reign of his said late Majesty, and of the seventh year of the reign of his present Majesty, was further continued, from the expiration thereof, until the twenty-ninth day of *September*, one thousand seven hundred and seventy-four, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued, from the expiration thereof, until the twenty-ninth day of *September*, one thousand seven hundred and eighty-one, and from thence to the end of the then next session of parliament.

Act 8 Geo. 1.
and several
subsequent
acts, to pre-
vent clandes-
tine running
of goods, &c.

(Exception.)

and by act
20 Geo. 2.
continued till
June 1, 1754.

and by subse-
quent acts of
21, 27, & 33
Geo. 2. and
7 Geo. 3.
continued till
Sept. 29, 1774.

further con-
tinued till
Sept. 29, 1781.

V. And whereas by the said last-recited act, made in the eighth year of

Act 8 Geo. 1. of the reign of his late majesty King George the First, reciting; recited, respecting the running of prohibited goods.

“and whereas several persons, guilty of the clandestine running of brandy, or other customable or prohibited goods, or of receiving such goods, knowing the same to have been so run, do frequently remove from their usual places of abode into some other country, and are there called by other than their true names, to avoid their being prosecuted with effect for such their notorious offences; it is therefore, amongst other things, enacted by the said recited act, That if any person or persons shall be guilty of any offence or offences, contrary to the true intent and meaning of that or any other act of parliament made for the preventing clandestine running of brandy, or other customable or prohibited goods, or of receiving such goods into his or their house, shop, or warehouse, custody, or possession, knowing the same to be so run; such person and persons shall and may be prosecuted for any of the offences or matters aforesaid, by action, bill, plaint, or information, and thereupon a Capias, in the first process, specifying the sum of the penalty sued for, shall and may issue; and such person or persons shall be obliged to give sufficient bail or security, by natural-born subjects or denizens, to the person or persons to whom such Capias shall be directed, to appear in the court out of which such Capias shall issue, at the day of return of such writ, to answer such suit and prosecution; and shall likewise, at the time of such appearing, give sufficient bail or security by such persons as aforesaid, in the said court, to answer and pay all the forfeitures and penalties incurred for such offence or offences, in case he or they shall be convicted thereof, or to yield his or their body or bodies to prison:” and whereas it is expedient, that the provision herein-before mentioned should extend to offences committed against any act of parliament for preventing frauds in his Majesty’s revenue of customs, which hath been or may be made after the passing of the said in part recited act; be it therefore enacted by the authority aforesaid, That from and after the passing of this act, a Capias, in the first process, requiring bail and security, in the manner directed by the said recited act, shall and may issue, in like manner, against any person or persons prosecuted for any offence committed contrary to the true intent and meaning of any act or acts of parliament now made, or hereafter to be made, for preventing the clandestine importing, running, or exporting, or relanding, any customable or prohibited goods whatsoever, or for receiving such goods into his or their house, shop, or warehouse, custody, or possession, knowing the same to be so prohibited, run, or relanded; any custom or usage to the contrary notwithstanding.

A Capias to be issued against persons prosecuted for offences committed against the act.

Act 2 Geo. 2. for the preservation of his Majesty’s woods in America, &c.

VI. And be it further enacted by the authority aforesaid, That so much of an act, made in the second year of the reign of his late majesty King George the Second, for the better preservation of his Majesty’s woods in America; and for the encouragement of the importation of naval stores from thence; and to encourage the importation of masts, yards, and bowsprits, from that part of Great Britain called Scotland, as relates to the premiums upon masts, yards, and bowsprits, tar, pitch, and turpentine, which was to continue in force from the twenty-ninth

ninth day of *September*, one thousand seven hundred and twenty-nine, for the term of thirteen years, and to the end of the then next session of parliament; and which, by several subsequent and by acts 13, 24, 25, & 32 Geo. 2. & late Majesty's reign, was further continued until the twenty-fifth day of *December*, one thousand seven hundred and fifty-one, 6 Geo. 3. was amended and continued till June 24, 1774; and from thence to the end of the then next session of parliament; and which, by another act, made in the twenty-fifth year of the reign of his said late Majesty, was amended and further continued until the twenty-fifth day of *March*, one thousand seven hundred and fifty-eight; and which, by another act, made in the thirty-second year of the reign of his said late Majesty, was further continued until the twenty-fourth day of *June*, one thousand seven hundred and sixty-six, and from thence to the end of the then next session of parliament; and which, by another act, made in the sixth year of the reign of his present Majesty, was further continued until the twenty-fourth day of *June*, one thousand seven hundred and seventy-four, and from thence to the end of the then next session of parliament; shall to be further continued till 1781. be, and the same is hereby further continued, from the expiration thereof, until the twenty-fourth day of *June*, one thousand seven hundred and eighty-one, and from thence to the end of the then next session of parliament.

VII. And be it further enacted by the authority aforesaid, Act 5 Geo. 2. That an act, made in the fifth year of the reign of his late majesty King *George* the Second, for encouraging the growth of coffee in his Majesty's plantations in *America*, which was to continue in force from the twenty-fifth day of *March*, one thousand seven hundred and thirty-five, until the twenty-fifth day of *March*, one thousand seven hundred and thirty-nine, and from thence to the end of the then next session of parliament; and which, by several subsequent acts, made in the eleventh, nineteenth, twenty-fifth, and thirty-second years of his said late Majesty's reign, and of the sixth year of the reign of his present Majesty, was further continued, from the expiration thereof, until the twenty-fourth day of *June*, one thousand seven hundred and seventy-four, and from thence to the end of the then next session of parliament, except such part thereof as relates to the importation and exportation of foreign coffee into and from the *British* colonies and plantations in *America*, shall be, and the same is hereby further continued from the expiration thereof, until the twenty-fourth day of *June*, one thousand seven hundred and eighty-one, and from thence to the end of the then next session of parliament. (Exception.) further continued till June 24, 1781.

VIII. And be it further enacted by the authority aforesaid, Act 7 Geo. 2. That an act, made in the seventh year of the reign of his late Majesty, intituled, *An act for the revival of an act, made in the thirteenth year of the reign of his late majesty King George the First, intituled, An act for the free importation of cochineal during the time therein limited; and also for the free importation of indico; which was to continue in force from the twenty-fourth day of June,*

and by 14, 20,
27, & 33 Geo.
2. 7 Geo. 3.
was continued
till Sept. 29,
1774.

further con-
tinued till
Sept. 29, 1781.

Act 12 Geo. 2.
prohibiting
the importa-
tion of books
reprinted
abroad, &c.

and by 20, 27,
& 33 Geo. 2.
7 Geo. 3.
continued till
Sept. 29, 1774.

further con-
tinued till
Sept. 29, 1781.

Act 6 Geo. 3.
for allowing
a bounty on
the exporta-
tion of Bri-
tish-made
cordage, &c.

and by act
12 Geo. 3.
was amended
and conti-
nued,
further con-
tinued for
three years.

Act 9 Geo. 3.
relating to the

June, one thousand seven hundred and thirty-four, for the term of seven years, and from thence to the end of the then next session of parliament; and which, by several subsequent acts, passed in the fourteenth, twentieth, twenty-seventh, and thirty-third years of his said late Majesty's reign, and of the seventh year of the reign of his present Majesty, was further continued, from the expiration thereof, until the twenty-ninth day of *September*, one thousand seven hundred and seventy-four, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued, from the expiration thereof, to the twenty-ninth day of *September*, one thousand seven hundred and eighty-one, and from thence to the end of the then next session of parliament.

IX. And be it further enacted by the authority aforesaid, That so much of an act, made in the twelfth year of the reign of his late Majesty, intituled, *An act for prohibiting the importation of books reprinted abroad, and first composed or written and printed in Great Britain; and for repealing so much of an act, made in the eighth year of the reign of her late majesty Queen Anne, as imports the limiting the prices of books*; which act was to continue in force from the twenty-ninth day of *September*, one thousand seven hundred and thirty-nine, for the space of seven years, and from thence to the end of the then next session of parliament; and which, so far as relates to the prohibiting the importation of books reprinted abroad, and first composed or written and printed in *Great Britain*, by several subsequent acts, made in the twentieth, twenty-seventh, and thirty-third years of his late Majesty's reign, and of the seventh year of the reign of his present Majesty, was further continued, from the expiration thereof, until the twenty-ninth day of *September*, one thousand seven hundred and seventy-four, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued, from the expiration thereof, to the twenty-ninth day of *September*, one thousand seven hundred and eighty-one, and from thence to the end of the then next session of parliament.

X. And be it further enacted by the authority aforesaid, That an act made in the sixth year of the reign of his present Majesty, intituled, *An act for allowing a bounty on the exportation of British-made cordage; and for discontinuing the drawbacks upon foreign rough hemp exported*, which was to be in force from the first day of *July*, one thousand seven hundred and sixty-six, for the term of five years, and from thence to the end of the then next session of parliament; and which by another act, made in the twelfth year of the reign of his present Majesty, was amended and further continued, for the term of three years, shall be, and the same is hereby further continued, from the expiration thereof, for the further term of three years, and from thence to the end of the then next session of parliament.

XI. And be it further enacted by the authority aforesaid, That so much of an act, made in the ninth year of the reign of his present

present Majesty, as relates to the free importation of certain raw hides and skins from *Ireland*, and the *British* plantations in *America*, which was to continue in force for five years, from the first day of *June*, one thousand seven hundred and sixty-nine, and from thence to the end of the then next session of parliament, shall be, and the same is hereby continued, from the expiration thereof, for the further term of five years, and from thence to the end of the then next session of parliament.

free importation of raw hides from *Ireland*, &c.

further continued for five years.

XII. And be it further enacted by the authority aforesaid, That so much of two acts, made in the fifth and tenth years of the reign of his present Majesty, as relates to the regulating the fees of the officers of the customs in *America*, and for extending the same to the naval officers there, which was to be in force from the first day of *August*, one thousand seven hundred and seventy, for the term of two years, and from thence to the end of the then next session of parliament; and which was, by an act made in the twelfth year of his present Majesty further continued, from the expiration thereof, until the first day of *August*, one thousand seven hundred and seventy-four, and from thence to the end of the then next session of parliament, shall be, and the same are hereby further continued, from the expiration thereof, until the first day of *August*, one thousand seven hundred and seventy-eight, and from thence to the end of the then next session of parliament.

So much of two acts 5 & 10 Geo. 3. as relates to fees of officers of the customs in *America*.

and which was by act 12 Geo. 3. continued till Aug. 1, 1774,

further continued till Aug. 1, 1778.

XIII. And be it further enacted by the authority aforesaid, That an act, made in the tenth year of the reign of his present Majesty, intituled, *An act to prevent the further spreading of the contagious disorder among the horned cattle in Great Britain*, which was to continue in force, from the commencement thereof, until the twenty-ninth day of *September*, one thousand seven hundred and seventy-one, and from thence to the end of the then next session of parliament; and which, by another act, made in the twelfth year of the reign of his present Majesty, was further continued, from the expiration thereof, until the twenty-ninth day of *September*, one thousand seven hundred and seventy-four, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued, from the expiration thereof, until the twenty-ninth day of *September*, one thousand seven hundred and seventy-six, and from thence to the end of the then next session of parliament.

Act 10 Geo. 3. to prevent the contagious disorder among the horned cattle,

and by act 12 Geo. 3. continued till Sept. 29, 1774.

further continued till Sept. 29, 1776.

XIV. And whereas by an act of parliament, made in the twelfth year of the reign of his late majesty King George the First, intituled, *An act for the improvement of his Majesty's revenues of the customs, excise, and inland duties*, reciting, *That great quantities of prohibited goods, and goods liable to the payment of customs, excise, or salt duty, are, by evil-disposed persons fraudulently landed in this kingdom, and goods pretended to be shipped outwards, intituled to a drawback or bounty, are frequently not shipped, or after the shipping thereof reloaded, whereby they become liable to several penalties; but knowing themselves subject to be prosecuted for the said offences, and that their fraudulent practices may in time be discovered, do frequent-*

Act 12 Geo. 1. recited.

ly, before any discovery can be made by the officers of the revenues, cause informations to be entered and filed against themselves in some of the courts at Westminster or Edinburgh, in the name of some person or persons in his, her, or their behalf; and if no discovery be made of the said fraudulent practices by the officers of the revenues, the said informations are never prosecuted; but in case the said frauds are discovered by any officer or officers of the revenues, who thereupon enter and file real informations against such offender and offenders, then either some secret agreement or agreements is or are made by such offender or offenders with such person or persons who have filed or exhibited such informations on the behalf of such offender or offenders. or else a plea or pleas of priority of suit is or are pleaded in bar of such real informations prosecuted by the officers of the revenues, whereby the said offenders evade the several penalties inflicted by law to the great prejudice of the crown, and also the discouragement of real prosecutions: for prevention of which fraudulent practices, it is by the said act enacted, That it shall not be lawful for any person or persons whatsoever to enter, or cause or procure to be entered, filed, or prosecuted, any information or informations, in any of the said courts, against any person or persons, for the recovery of any penalty or penalties inflicted by any of the laws of the customs, excise, and the duty upon salt, unless the same be entered, filed, and prosecuted, in the name of his Majesty's attorney general, or in the name or names of some officer or officers of some or one of the aforesaid revenues of customs, excise, or salt duty; and if any information or informations is or are entered in any other persons name or names than as is before mentioned, the same, and all proceedings thereupon had, are thereby declared to be null and void, and the said court or courts, where such information or informations is, are, or shall be so entered, filed, or prosecuted, shall not permit or suffer any proceeding or proceedings to be had thereupon, and shall cause such information or informations to be taken off the file: and whereas, since the passing of the said recited act, various pecuniary penalties have been inflicted by several acts of parliament against persons importing various goods and commodities, which are prohibited to be imported into or worn or used in this kingdom, and against persons working up such goods, or selling or exposing the same to sale, or for having such goods in their houses, shops, warehouses, custody, or possession, for those purposes, one moiety of which penalties are given by law to his Majesty, and the other moiety to any person who will sue and prosecute for the same: and whereas there is reason to believe that several prosecutions have been commenced for such penalties by common informers, who have, in consequence thereof, extorted various sums of money from his Majesty's subjects, and stopped such prosecutions without any legal authority, or accounting to his Majesty for any part of the money so received by them; for preventing such practices in future, be it therefore enacted by the authority aforesaid, That from and after the passing of this act, the said herein-before in part recited act, made in the twelfth year of the reign of his late majesty King George the First, shall extend, and be deemed to extend, to the suing for, prosecuting, and recovering, of any penalty or penalties inflicted by any act or acts of parliament now made,

and after passing of this act, to extend to prosecuting of penalties for prohibited goods, &c.

or

or hereafter to be made, for preventing the importation, wear, or use, of any prohibited goods or commodities whatsoever in this kingdom, where his Majesty, his heirs or successors, is, are, or may be intitled to any part or share of the penalty or penalties thereby incurred; any law, custom, or usage, to the contrary in any-wise notwithstanding.

C A P. LXXXVII.

An act to prevent the mischiefs that arise from driving cattle within the cities of London and Westminster, and liberties thereof, and the bills of mortality.

WHEREAS *the improper and cruel manner in which cattle* Preamble.

are driven from Smithfield market, within the city of London, through the streets of the said city and liberties thereof, the city of Westminster, and the bills of mortality, has occasioned great mischief, and endangered the lives of many of his Majesty's liege subjects inhabiting therein; for preventing whereof for the future, may it please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, if any person or persons, who shall be hired or employed to drive any cattle within the said cities of *London or Westminster*, or the liberties thereof, or the bills of mortality, shall, by negligence, or ill usage, in the driving such cattle, be the means that any mischief shall be done by such cattle, or by any one or more of them, which shall be committed to his, her, or their care; or if any driver or drivers of cattle within the limits aforesaid, shall in any-wise misbehave himself, herself, or themselves, in the driving, care, or management of any such cattle, by the improper driving, treating, or using of such cattle; then, and in any of the said cases, and so often as any of them shall happen, it shall and may be lawful to or for any constable, or other peace officer, upon view thereof, or information of any person or persons, (who shall declare, his her, or their name or names, and place or places of abode, to the said constable, or other peace officer,) to seize and secure, by the authority of this act, and without any other warrant to convey such offender or offenders before some justice of the peace of the said cities of *London or Westminster*, or within the bills of mortality, and the party or parties accused being brought before such justice within whose jurisdiction the offence shall be committed, such justice shall proceed to examine, upon oath, any witness or witnesses who shall appear or be produced to give information touching such offence, (which oath the said justice is hereby authorised and required to administer;) and if the party or parties accused shall be convicted of any such offence, either by his, her, or their own confession, or upon such information, as aforesaid, he, she, or they, so convicted, shall forfeit and pay any sum not ex-

Any persons driving cattle in London and Westminster, and being the cause of mischief done by such cattle;

constables to secure and convey such offenders to some justice;

and, on conviction, by confession, &c he shall forfeit not exceeding 20s. nor less than 5s.

be committed
for one
month, or
publicly
whipped.

ceeding twenty shillings, nor less than five shillings, to the person or persons who shall prosecute to conviction any such offender or offenders; and if the person or persons so convicted shall refuse or not be able forthwith to pay the sum forfeited, every such offender shall, by warrant under the hand and seal of some justice of the peace within whose jurisdiction the person offending shall be convicted, be committed to the house of correction, or some other prison within the cities of *London* or *Westminster*, or liberties thereof, or within the bills of mortality, within which the offence shall have been committed, or the offender shall be apprehended, there to be kept to hard labour for any time not exceeding one month, or shall be publicly whipped, as such justice shall think fit and order.

Informers
neglecting to
attend to for-
feit not ex-
ceeding 40s.
nor less than
10s.

II. And be it further enacted by the authority aforesaid, That in case the person or persons giving such information as aforesaid shall neglect or refuse to attend, without some lawful excuse, to be allowed by the justice, such constable, or other peace officer, within the space of six hours from the time of making such information, he, she, or they, so offending, shall, upon proof being made on the oath of such constable or peace officer, that such person had given such information as aforesaid, (which oath the said justice is hereby authorised and required to administer,) forfeit and pay any sum not exceeding forty shillings, nor less than ten shillings, to such constable or peace officer; and in case the same shall not, upon demand being made by such constable or peace officer, be forthwith paid, the same shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of such justice.

Court of
mayor and
aldermen
impowered to
make reason-
able rules,
and annex pe-
nalties.

III. And be it further enacted, That the court of mayor and aldermen of the city of *London* for the time being shall have full power and authority to make, frame, and set down, in writing, such reasonable rules, orders, or ordinances, for governing and regulating all persons who shall drive any cattle, sheep, calves, or lambs, within the said cities of *London* or *Westminster*, and liberties thereof, or the bills of mortality, and to annex reasonable penalties and forfeitures for the breach of such rules, orders, and ordinances, not exceeding forty shillings, nor less than ten shillings, for any one offence; and such rules, orders, and ordinances, or any of them, from time to time to alter and amend.

Not to abridge
the market
hours.

IV. Provided always, and be it enacted, That nothing in this act contained shall extend, or be construed to extend to empower the said court of mayor and aldermen to shorten or abridge the time for keeping the said market open; but that the same shall be kept open from the hour of twelve of the clock at night till the hour of three of the clock in the afternoon on the several market days, and at no other hours, unless the said court of mayor and aldermen shall judge it proper to enlarge the time for keeping it open.

Powers of the
justices of
peace of both
cities.

V. And be it further enacted by the authority aforesaid, That any one justice of the peace of the cities of *London* or *Westminster*, or within the bills of mortality, within whose

juris-

jurisdiction any offence shall be committed, shall have power to hear and determine, in a summary way, complaints of offences that shall be committed contrary to any of the rules, orders, or ordinances, at any time hereafter to be made by the said court of the mayor and aldermen in pursuance of this act; and the said justice or justices, and each of them respectively within their respective jurisdictions, is and are hereby authorised and required, upon view, or upon complaint made on oath to them respectively of any such offence committed within their respective jurisdictions, contrary to such rules, orders, or ordinances, within six days after the commission of any such offence, to issue his or their warrant or warrants, under his hand and seal, or their hands and seals, directed to such constables, or other peace officer or officers, as the said justice or justices, or any one of them, shall, from time to time, think fit, thereby requiring him or them to apprehend such offender or offenders, and to bring him, her, or them, before the said justice or justices, or any one of them, within their respective jurisdictions, to answer the matters of complaint to be contained in such warrant or warrants: and if such offender or offenders shall be convicted, either by his, her, or their confession, or by the oath of one or more credible witness or witnesses, (which oath such justice or justices respectively, or any one of them, is and are hereby authorised and required to administer,) it shall be lawful for such justice or justices, or any one of them, to impose a fine upon him, her, or them, for the said offence, not exceeding the penalty or penalties which shall be inflicted in and by the said rules, orders, and ordinances; and if the person or persons so convicted shall neglect or refuse forthwith to pay the penalty or forfeiture imposed upon him, her, or them, it shall and may be lawful for such justice or justices, or one of them, in his or their respective jurisdictions, immediately to commit the person or persons convicted to the house of correction, or other prison within the jurisdiction of such justice or justices respectively, or any one of them, there to be kept to hard labour for any time not exceeding one month, unless the said penalty or forfeiture shall be sooner paid; all which penalties and forfeitures shall go and be paid to the person or persons who shall inform and prosecute to conviction any such offender or offenders.

VI. And be it further enacted by the authority aforesaid, That if any person, who shall be apprehended for having committed any offence against this act, shall refuse to discover his, her, or their name or names, and place or places of abode, to the justice or justices before whom he, she, or they, shall be brought, such person or persons so refusing shall immediately be delivered over to a constable, or other peace officer, and shall by him be conveyed to the common gaol, or house of correction, of the county or place where the offence shall be committed, or the offender or offenders shall be apprehended, there to remain for the space of one month, or until he, she, or they, shall declare his, her, or their name or names, and place or places of

Offenders
concealing
their names,
&c. to be
committed to
the house of
correction.

abode, to the said justice, or to some other justice of the peace of the said county or place.

Abstract here-
of, &c. to be
printed and
affixed up in
conspicuous
places.

VII. Provided nevertheless, and be it enacted by the authority aforesaid, That an abstract of the several provisions and penalties contained in this act, and all such rules, orders, and ordinances, so to be made from time to time by the said court of mayor and aldermen, shall, within fourteen days after the making of such rules, orders, and ordinances, be printed and affixed upon such of the most conspicuous places within the said cities of *London* and *Westminster*, and liberties thereof, and bills of mortality, in such manner as the said court shall think proper, and from time to time order.

Justices may
indorse war-
rants, and try
offenders, or
return them
to the first Ju-
stice.

VIII. And be it further enacted, That in case any person against whom a warrant shall be issued by any justice of the peace, either before or after conviction, as aforesaid, for any offence against this act, or against such rules, orders, and ordinances, hereafter to be made, as aforesaid, shall escape, go into, reside, or be in any other county, city, liberty, town, or place, out of the jurisdiction of the person granting such warrant or warrants as aforesaid; or if the goods and chattels of any offender, convicted of any offence in pursuance of this act, shall be in a different county, city, liberty, town, or place, than where the said party was convicted, or the warrant of distress granted, it shall and may be lawful for any justice of the peace of the county, city, liberty, town, or place, into which such person shall escape, either before or after conviction, or where his goods and chattels shall be after such conviction, and they, and every of them, are hereby required, within their respective jurisdictions, upon proof made upon oath of the hand writing of the said justice granting such warrant or warrants, to indorse his or their name or names on such warrant, and the same, when so indorsed, shall be a sufficient authority to all peace officers to execute such warrant in such other county, city, liberty, town, or place, out of the jurisdiction of the person granting the said warrant; and the said justices respectively, or any one of them, as the case shall happen, after indorsing the said warrant, may, on the offender or offenders being apprehended and brought before the said justices, or any one of them, within their respective jurisdictions, proceed to hear and determine the complaint in the same manner as if it had originally arose within their respective jurisdictions, or may direct the offender to be carried to the person who granted the said warrant, to be dealt with according to the law.

No person to
suffer punish-
ment, if the
prosecution is
not commenc-
ed within 14
days after
committed.

IX. Provided always, and be it enacted by the authority aforesaid, That no person shall suffer any punishment for any offence committed against this act, unless the prosecution for the same be commenced within fourteen days after the offence shall be committed; and that when any person shall suffer imprisonment pursuant to this act, for any offence contrary thereto, in default of payment of any penalty hereby imposed, or shall hereafter be imposed, for the breach of any of the rules, orders, and

and ordinances, which shall or may be made by the court of mayor and aldermen, as aforesaid, such person shall not be liable afterwards to pay such penalty.

X. Provided also, and be it enacted by the authority aforesaid, That if any person or persons shall think him, her, or themselves, aggrieved by the order or judgement of any justice of the peace, upon account of any offence committed, or supposed to be committed, against this act, it shall and may be lawful for such person or persons to appeal to the next general or quarter sessions of the peace, to be holden for the county, city, or place, where any such conviction shall be made, the person or persons so appealing first giving security in the sum forfeited, before such justice or justices, in their respective jurisdictions, to prosecute such appeal with effect, and to abide by the order or orders which shall be made on such appeal, and giving fourteen days notice, in writing, of such intention to appeal to the party or parties on whose prosecution such conviction was founded, if there are so many days between the time of the conviction and such general or quarter sessions, and if there are not, then to the next subsequent general or quarter session which shall be held after any such conviction; and the justices, in the said general or quarter sessions, are hereby authorised to hear and determine every such appeal, and to make such order therein, and to award such costs, as to them shall appear to be just; and to cause to be levied, under the order of any such session, the costs which shall be awarded, together with such sum of money as any such court of session, on the hearing any such appeal, shall adjudge to be forfeited, by distress and sale of the goods and chattels of the person who shall refuse to pay such costs and sum of money forfeited, or of the person or persons who shall have become surety or sureties for him, as aforesaid.

Persons aggrieved may appeal to the next general quarter sessions.

XI. Provided also, and be it enacted, That no order or proceedings, to be made or had by or before any justice of the peace by virtue of this act, shall be quashed or vacated for want of form; and that the order of the justices, at their general or quarter sessions within their several jurisdictions, shall be final; and that no proceedings of any such justices out of session, or in their said general or quarter sessions, in pursuance of this act, shall be removeable by *Certiorari*, or otherwise.

No order to be vacated for want of form, nor removeable by *Certiorari*.

XII. And, for the more easy and speedy conviction of offenders against this act, be it further enacted, That all and every the justice and justices of the peace, before whom any person or persons shall be convicted of any offence against this act, shall and may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect, as the case shall happen; (*videlicet*),

Form of conviction.

BE it remembered, That on the _____ day of _____
in the year of our lord _____
A. B. is convicted before me C. D.
One of his Majesty's justices of the peace for the cities of London or
P P 4 Westminster

Westminster, or the county of Middlesex, either on his own confession, or on the oath of one or more credible witness or witnesses, (as the case shall be,) by virtue of an act, made in the fourteenth year of the reign of his majesty King George the third, to prevent the mischiefs that arise from driving cattle within the cities of London and Westminster, and liberties thereof, and the bills of mortality, [specifying the offence, and time and place when and where the same was committed, as the case shall be.] Given under my hand and seal, the day and year above written.

Limitation of actions.

General issue.

Treble costs.

The act to continue for three years.

Publick act.

XIII. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons, for any thing done in pursuance of this act, it shall be brought or commenced within six calendar months next after every such cause of action shall have accrued, and not afterwards, and shall be brought, laid, and tried, in the county, city, or place, in which such offence shall have been committed, and not elsewhere; and the defendant or defendants in such action or suit, may plead the general issue, and give this act, and the special matter, in evidence, at any trial or trials which shall be had thereon, and that the same was done in pursuance and by authority of this act: and if the same shall appear to have been so done, or if any such action or suit shall not be commenced within the time before limited, or shall be laid or brought in any other county, city, or place than where the offence shall have been committed; then, and in any of such cases, the jury or juries shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuit, or shall discontinue his action or actions, or if judgement shall be given for the defendant or defendants therein; then, and in any of the cases aforesaid, such defendant or defendants shall have treble costs, and shall have such remedy for recovering the same, as any defendant or defendants hath or may have for his or their costs in any other cases by law.

XIV. And be it further enacted, That this act shall continue and be in force for the term of three years, and from thence to the end of the then next session of parliament.

XV. And be it further enacted by the authority aforesaid, That this act shall be deemed, adjudged, and taken to be a publick act; and be judicially taken notice of as such by all judges, justices, and other persons whatsoever, without specially pleading the same.

C A P. LXXXVIII.

An act to establish a fund towards further defraying the charges of the administration of justice, and support of the civil government within the province of Quebec, in America.

Preamble.

Certain duties imposed by his

WHEREAS certain duties were imposed, by the authority of his most christian Majesty, upon wine, rum, brandy, Eau de Vie de Liqueur, imported into the province of Canada, now called the

the province of Quebec, and also a duty of three pounds per Centum ad Valorem, upon all dry goods imported into, and exported from, the said province, which duties subsisted at the time of the surrender of the said province to your Majesty's forces in the late war: And whereas it is expedient that the said duties should cease and be discontinued; and that in lieu and in stead thereof, other duties should be raised by the authority of parliament, for making a more adequate provision for defraying the charge of the administration of justice, and the support of civil government in the said province: We, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the fifth day of April, one thousand seven hundred and seventy-five, all the duties which were imposed upon rum, brandy, Eau de Vie de Liqueur, within the said province, and also of three pounds per Centum ad Valorem, on dried goods imported into, or exported from, the said province, under the authority of his most christian Majesty, shall be, and are hereby discontinued; and that in lieu and in stead thereof, there shall, from and after the said fifth day of April, one thousand seven hundred and seventy-five, be raised, levied, collected, and paid, unto his Majesty, his heirs and successors, for and upon the respective goods herein-after mentioned, which shall be imported or brought into any part of the said province, over and above all other duties now payable in the said province, by any act or acts of parliament, the several rates and duties following; that is to say,

most christian
majesty upon
rum, brandy,
&c. imported
into Quebec,

after April 5,
1775, to be
discontinued
within the
province,

and in stead of
which the fol-
lowing duties
to be paid to
his Majesty.

For every gallon of brandy, or other spirits, of the manufac-
ture of *Great Britain*, three-pence. The rates.

For every gallon of rum, or other spirits, which shall be im-
ported or brought from any of his Majesty's sugar colonies in
the *West Indies*, six-pence.

For every gallon of rum, or other spirits, which shall be im-
ported or brought from any other of his Majesty's colonies or
dominions in *America*, nine-pence.

For every gallon of foreign brandy, or other spirits, of foreign
manufacture, imported or brought from *Great Britain*, one
shilling.

For every gallon of rum, or spirits, of the produce or manu-
facture of any of the colonies or plantations in *America*, not in
the possession or under the dominion of his Majesty, imported
from any other place, except *Great Britain*, one shilling.

For every gallon of molasses and syrups, which shall be im-
ported or brought into the said province, in ships or vessels be-
longing to his Majesty's subjects in *Great Britain* or *Ireland*, or
to his Majesty's subjects in the said province, three-pence.

For every gallon of molasses and syrups, which shall be im-
ported or brought into the said province, in any other ships or
vessels,

vessels, in which the same may be legally imported, sixpence; and after those rates for any greater or less quantity of such goods respectively.

Rates deemed sterling money of Great Britain;

how they are to be levied. &c.

to whom they are to be paid,

and how to be applied.

Regulations with respect to goods brought into the province chargeable with the duties before mentioned.

II. And it is hereby further enacted by the authority aforesaid, That the said rates and duties, charged by this act, shall be deemed, and are hereby declared to be, sterling money of *Great Britain*, and shall be collected, recovered, and paid, to the amount of the value which such nominal sums bear in *Great Britain*; and that such monies may be received and taken according to the proportion and value of five shillings and sixpence the ounce in silver; and that the said duties, herein-before granted, shall be raised, levied, collected, paid, and recovered, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, except in such cases where any alteration is made by this act, as any other duties payable to his Majesty upon goods imported into any *British* colony or plantation in *America* are or shall be raised, levied, collected, paid, and recovered, by any act or acts of parliament, as fully and effectually, to all intents and purposes, as if the several clauses, powers, directions, penalties, and forfeitures, relating thereto, were particularly repeated and again enacted in the body of this present act; and that all the monies that shall arise by the said duties, (except the necessary charges of raising, collecting, levying, recovering, answering, paying, and accounting for the same,) shall be paid by the collector of his Majesty's customs, into the hands of his Majesty's receiver-general in the said province for the time being, and shall be applied, in the first place, in making a more certain and adequate provision, towards defraying the expences of the administration of justice, and of the support of civil government, in the said province; and that the lord high treasurer, or commissioners of his Majesty's treasury, or any three or more of them for the time being, shall be, and is or are hereby impowered, from time to time, by any warrant or warrants under his or their hand or hands, to cause such money to be applied out of the said produce of the said duties towards defraying the said expences; and that the residue of the said duties shall remain and be reserved in the hands of the said receiver-general, for the future disposition of parliament.

III. And it is hereby further enacted by the authority aforesaid, That if any goods chargeable with any of the said duties herein-before mentioned shall be brought into the said province by land carriage, the same shall pass and be carried through the port of *Saint John's*, near the river *Sorrel*; or if such goods shall be brought into the said province by any inland navigation, other than upon the river *Saint Lawrence*, the same shall pass and be carried upon the said river *Sorrel*, by the said port, and shall be there entered with, and the said respective rates and duties paid for the same, to such officer or officers of his Majesty's customs as shall be there appointed for that purpose; and if any such goods coming by land carriage, or inland navigation, as aforesaid, shall pass

pass by or beyond the said place before named, without entry or payment of the said rates and duties, or shall be brought into any part of the said province, by or through any other place whatsoever, the said goods shall be forfeited; and every person who shall be assisting, or otherwise concerned in the bringing or removing such goods, or to whose hands the same shall come, knowing that they were brought or removed contrary to this act, shall forfeit treble the value of such goods, to be estimated and computed according to the best price that each respective commodity bears in the town of *Quebec*, at the time such offence shall be committed; and all the horses, cattle, boats, vessels, and other carriages whatsoever, made use of in the removal, carriage, or conveyance of such goods, shall also be forfeited and lost, and shall and may be seized by any officer of his Majesty's customs, and prosecuted, as herein-after mentioned.

IV. And it is hereby further enacted by the authority aforesaid, That the said penalties and forfeitures by this act inflicted, shall be sued for and prosecuted in any court of admiralty, or vice admiralty, having jurisdiction within the said province, and the same shall and may be recovered and divided in the same manner and form, and by the same rules and regulations, in all respects, as other penalties and forfeitures for offences against the laws relating to the customs and trade of his Majesty's colonies in *America* shall or may, by any act or acts of parliament be sued for, prosecuted, recovered, and divided.

V. And be it further enacted by the authority aforesaid, That there shall, from and after the fifth day of *April*, one thousand seven hundred and seventy-five, be raised, levied, collected, and paid, unto his Majesty's receiver-general of the said province, for the use of his majesty his heirs and successors, a duty of one pound sixteen shillings, sterling money of *Great Britain*, for every licence that shall be granted by the governor, lieutenant governor, or commander in chief of the said province, to any person or persons for keeping a house or any other place of publick entertainment, or for the retailing wine, brandy, rum, or any other spirituous liquors, within the said province; and any person keeping any such house or place of entertainment, or retailing any such liquors without such licence, shall forfeit and pay the sum of ten pounds for every such offence, upon conviction thereof: one moiety to such person as shall inform or prosecute for the same, and the other moiety shall be paid into the hands of the receiver-general of the province, for the use of his Majesty.

VI. Provided always, That nothing herein contained shall extend, or be construed to extend, to discontinue, determine, or make void, any part of the territorial or casual revenues, fines, rents, or profits whatsoever, which were reserved to, and belonged to, his most christian Majesty, before and at the time of the conquest and surrender thereof to his Majesty the king of *Great Britain*; but that the same, and every of them, shall remain and be continued to be levied, collected, and paid, in the same manner

Penalties and forfeitures where to be prosecuted for, &c.

Any person keeping a house of publick entertainment to pay 1l. 16 s. for a licence.

Penalty of 10l. for every offence.

Not to make void French revenues, &c. reserved at the conquest.

Anno decimo quarto GEORGE III. c.89—91. [1774.
manner as if this act had never been made; any thing therein
contained to the contrary notwithstanding.

In suits
brought pur-
suant to this
act,

defendants
to have
treble costs.

VII. And be it further enacted by the authority aforesaid,
That if any action or suit shall be commenced against any person
or persons for any thing done in pursuance of this act, and if it
shall appear to the court or judge where or before whom the
same shall be tried, that such action or suit is brought for any
thing that was done in pursuance of and by the authority of this
act, the defendant or defendants shall be indemnified and ac-
quitted for the same; and if such defendant or defendants shall
be so acquitted; or if the plaintiff shall discontinue such action
or suit, such court or judge shall award to the defendant or de-
fendants treble costs.

C A P. LXXXIX.

An act to enable his Majesty to allow the administrator, with the will an-
nexed, or other personal representative, of Sir Joseph Jekyll knight,
deceased, to sell ten thousand pounds South Sea stock, part of a legacy
given by him to the use of the sinking fund, and to receive the divi-
dends due thereon, as also on ten thousand pounds East India stock;
and for applying the same as therein is mentioned.

Preamble. By warrant under his Majesty's sign manual, the adminis-
trator may sell 10,000l. South Sea stock, standing in the name of Sir Joseph
Jekyll; sign manual to be enrolled in chancery. Personal representative
to transfer the sum, and receive dividends due. Sums to arise by the sale
how to be applied. Charges of the act to be paid out of the first monies
to arise.

C A P. XC.

An act for the better regulation of the nightly watch and beadles within
the city and liberty of Westminster, and parts adjacent; and for other
purposes therein mentioned.

C A P. XCI.

*An act more effectually to improve and complete the navigation of the
river Thames, westward of London Bridge, within the liber-
ties of the city of London, and to prevent any vessel or barge from
being moored in Taplow Mill-stream, in the county of Bucks.*

Preamble.

WHEREAS by virtue of and under divers charters, recogniz-
ed and confirmed by divers acts of parliament, the mayor
and commonalty, and citizens, of the city of London, have had and
exercised, and ought, and have accustomed themselves to have and ex-
ercise, the office of bailiff and conservator of the water of Thames,
to be exercised and occupied by the mayor of the same city for the time
being, during the time of his mayoralty, or by his sufficient deputies,
in, upon, and about the water of Thames; (that is to say,) from
the bridge of the town of Staines, in the county of Middlesex, and
towards the east unto London Bridge, and from thence to a certain
place, called Kendall, otherwise Yenland, otherwise Yeenleet, to-
wards the sea, and east, and in Medway, and in the port of the city
of London aforesaid; and upon whatsoever bank, and upon every
shore, and upon every wharf of the same water of Thames, within
the limits and bounds aforesaid; and in, upon, and about all and
every of them; and also for all the time aforesaid, have had and
taken,

taken, and ought, and have accustomed themselves to have and take, to their own proper use, by the mayor of the same city for the time being, during the time of his mayoralty, or his sufficient deputies, all wages, rewards, fees, and profits, belonging to the same office of bailiff: and whereas, by an act of parliament, made and passed in the eleventh year of the reign of his present Majesty, intituled, An act for improving and completing the navigation of the rivers Thames and Isis, from the city of London to the town of Cricklade, in the county of Wilts, certain powers were granted to the commissioners thereby appointed, for preserving and improving the navigation of the said rivers: and whereas the said act contains a clause or proviso, declaring, That nothing in the said act contained shall extend, or be construed to extend, to take away any rights, jurisdiction, power, or authority of the mayor, commonalty, and citizens of the city of London, or any other body politic or corporate, or other person or persons whatsoever, or to enable the commissioners to erect weirs, locks, turnpikes, or toll-gates, within the liberties or jurisdiction of the city of London: and whereas the commissioners, in and by the said act of parliament appointed, being restrained, by the said clause or proviso, from exercising some of the principal powers and authorities in the said act contained, between the said city of London and the city-stone above Staines Bridge, being the first part or district of the said navigation, in and by the said act described, have not attempted the execution of the said act within the said first district: and whereas the improvement of the navigation of the river Thames, westward of London Bridge, within the liberties or jurisdiction of the city of London, will be a work of great public utility: and whereas the mayor, and commonalty, and citizens, of the city of London, are willing to apply the sum of ten thousand pounds, (if necessary), out of their own estates, towards carrying the said work into execution, without laying any toll or duty on persons navigating the river Thames within the said liberties or jurisdiction: and whereas the powers with which the mayor, and commonalty, and citizens, of the city of London, are at present vested are not sufficient to enable them effectually to improve and complete the said navigation; and it is apprehended, that the powers granted by the said act of parliament, made and passed in the eleventh year of the reign of his present Majesty, to the commissioners thereby appointed, will clash with the powers which must necessarily be granted to the mayor, and commonalty, and citizens, of the city of London, for improving and completing the navigation of the river Thames, between the city of London and the city-stone above Staines Bridge: and whereas some further regulation is necessary for removing certain inconveniences in another part of the navigation of the said river; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That so much of the said act of parliament, made and passed in the eleventh year of the reign of his present Majesty, as vests the commissioners thereby appointed, or in pursuance thereof appointed, or to be appointed,

Act 11 Geo. 3.

Part of the former act repealed.

appointed, with any power or powers, authority or authorities; for improving and completing the navigation of the river *Thames*, between the city of *London* and the city-stone above *Staines Bridge* aforesaid, shall be, and the same is hereby, repealed; but so as not to restrain or prejudice such commissioners from, or in the exercise of, any of the powers or authorities by the same act granted, so far as the same relate to the improving and completing the navigation of the rivers *Thames* and *Isis*, from the city-stone above *Staines Bridge* to the town of *Cricklade* aforesaid.

Powers given to the mayor, &c. to improve the navigation, and to appoint a committee.

II. And be it further enacted by the authority aforesaid, That the mayor, aldermen, and commons, of the city of *London*, in common council assembled, shall have power and authority, and they are hereby authorized and empowered, to improve and complete the navigation of the river *Thames*, between the city of *London* and the city-stone above *Staines Bridge* aforesaid; and for that purpose to appoint a committee, from time to time, to manage and transact such matters as they may find necessary; which committee, so to be appointed shall have such powers and authorities as shall, from time to time, be delegated or given to them by the said mayor, aldermen, and commons, in common council assembled.

Proviso.

III. Provided nevertheless, and be it enacted by the authority aforesaid, That no person shall be eligible or capable of acting as a member of such committee, during such time as he shall have, or execute, any office or place of profit, by, or under the authority of this act, or during such time as he shall have any share or interest in any contract or agreement for effecting any of the purposes of this act.

Power to purchase lands, &c. for the purposes of this act.

IV. And be it further enacted by the authority aforesaid, That the said mayor, aldermen, and commons, in common council assembled, shall have full power and authority to make such orders and constitutions, for the purchasing of locks, ferries, and lands, for the use of the said navigation; and to purchase and make such towing-paths, banks, roads, bridges, ferries, and ways, for the towing, haling, or drawing of boats, barges, and other vessels, with horses, or otherwise, passing in, through, or upon the said river *Thames*, between the city of *London* and the city-stone above *Staines Bridge* aforesaid; and to purchase or make such wharfs, locks, weirs, bucks, winches, spikes, dams, flood-gates, and engines, for the completing and carrying on the said navigation, as the mayor, aldermen, and commons, of the city of *London*, in common council assembled, shall think necessary and convenient for the purposes aforesaid; and also to make orders and regulations touching the sizes and drafts of all boats, barges, and other vessels navigating the said river of *Thames*, between the city of *London* and the city-stone above *Staines Bridge* aforesaid; and such only as shall be navigated upon the said river of *Thames*, to and from the city of *London*, and the city-stone above *Staines Bridge*, and to and from all the intermediate places, and to settle proper gages on the sides thereof, and how deep they should load at all times; and also to make

make and appoint all such other necessary orders, constitutions, rules, and regulations, concerning the said navigation, and also concerning such weirs, bucks, winches, dams, flood-gates, and other engines, and towing-paths, lying between the places aforesaid; and the shutting, penning, opening, drawing, use, or management thereof, for the benefit and safety of the said navigation, and making satisfaction for the loss or damage any owner or owners, or occupiers, of mills or lands, shall or may sustain thereby; and concerning all barges, boats, or vessels, passing by, through, or with the help of the same, and behaviour of all bargemen, boatmen, and watermen, belonging to, or working in, such barges, boats, or vessels; and to give such reparation, satisfaction, and damages, to the person or persons aggrieved thereby, as likewise to the owners or occupiers of lands, meadows, or other grounds, who shall be damaged by the neglect or refusal of the owners of such weirs, bucks, winches, and floodgates, in not opening, and keeping open the same, until the water is sunk below the water-mark, as to them shall seem meet.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for all bodies politick, corporate or collegiate, or corporations aggregate or sole, trustees and feoffees in trust, guardians and committees for lunaticks and idiots, executors, administrators, and guardians whatsoever, not only for or on behalf of themselves, their heirs, and successors; but also for and on behalf of their cestuique trusts, whether infants or issue unborn, lunaticks, idiots, femmes-covert, or other persons whatsoever; and to and for all femmes-covert who are or shall be seized in their own right, and to and for all and every person and persons whomsoever, who are or shall be seized or possessed of, or interested in, any lands, tenements, or hereditaments; which, by the said mayor, aldermen, and commons, in common council assembled, or the committee to be by them appointed, as aforesaid, shall be thought necessary to be purchased for the purposes of this act, to sell and convey all or any such lands, tenements, hereditaments, estates, and interests, or any part thereof, to the said mayor, and commonalty, and citizens; and that all contracts, agreements, bargains, sales, and conveyances, which shall be made by such persons, as aforesaid, shall be good and valid in law, to all intents and purposes, not only to convey the estate and interest of the person and persons conveying, but also to convey all right, estate, interest, use, property, claim, and demand whatsoever, of their several and respective cestuique trusts, whether infants or issue unborn, lunaticks, idiots, femmes-covert, or other persons whomsoever, and all claiming, or to claim, by, from, or under them, any law, statute, usage, or any other matter or thing whatsoever, to the contrary thereof, in any-wise notwithstanding: and that all such persons so conveying, as aforesaid, are, and shall be, indemnified for what they shall do, by virtue of, or in pursuance of, this act, notwithstanding any omission or mistake of matter of form

Bodies politick, trustees, &c. may convey lands.

Upon refusal,
to agree to a
sale, or bad
title made,

Juries may be
summoned.

Juries may be
challenged,

form whatsoever: and if it shall happen that any person or persons, body or bodies politic, corporate or collegiate, or other person or persons, seised or possessed of, or interested in, any such lands, tenements, or hereditaments, as aforesaid, shall refuse to treat or agree for the sale and conveyance of their respective estates and interests therein, with the said mayor, aldermen, and commons, in common council assembled or with any person or persons authorised by them, or shall not produce and evince a clear title to the premises they are in possession of, or to the interest they claim, to the satisfaction of the said mayor, aldermen, and commons, in common council assembled, or of the person or persons so authorised by them; then, and in every such case, it shall and may be lawful to and for the court of mayor and aldermen of the said city, to be holden in the outer chamber of the guildhall of the said city, according to the custom of the said city, and the said court is hereby empowered and authorised to issue a warrant or warrants, precept or precepts, directed to the sheriffs of the city of *London*, or the sheriff of the county of *Middlesex*, or the sheriff of the county of *Surrey*, as the case shall require, who are, and each of them is hereby authorised, directed, and required accordingly to impanel and return a competent number of substantial and disinterested persons, qualified to serve on juries, not less than forty-eight, nor more than seventy-two, and out of such persons, so to be impanelled, summoned, and returned, a jury of twelve persons shall be drawn by some person to be by the said court appointed, in such manner as juries for the trial of issues, joined in his Majesty's courts at *Westminster*, by an act made in the third year of the reign of his late majesty King *George* the Second; intituled an "*An act for the better regulation of juries*, are directed to be drawn; which persons so to be impanelled, summoned, and returned as aforesaid, are hereby required to come and appear before the said court of mayor and aldermen, if the premises in dispute lie in the said city of *London*, at such time and place as in such warrant or warrants, precept or precepts, shall be directed and appointed; and if the premises lie in either of the counties of *Middlesex* or *Surrey*, to come and appear before the justices of the peace for the county where the premises lie, at some general quarter sessions of the peace to be holden for the same county, or some adjournment thereof; and to attend the said courts respectively, from day to day, till discharged by the said courts respectively; and all parties concerned shall and may have their lawful challenges against any of the said jurymen, but shall not be at liberty to challenge the array: and the said court of mayor and aldermen, or justices, as aforesaid, respectively, are hereby authorised and empowered, by precept or precepts, from time to time, as occasion shall require, to call before them all and every person and persons whomsoever who shall be thought proper or necessary to be examined as a witness or witnesses, on their oath or oaths, touching and concerning the premises: and the said court of mayor and aldermen, or jus-

tices, as aforesaid, respectively, if they think fit, shall and may likewise authorise the said jury to view the place or places in question, in such manner as they shall direct; and the said court of mayor and aldermen, or justices, as aforesaid, respectively, shall have power to adjourn such meeting from day to day, as occasion shall require; and to command such jury, witnesses, and parties, to attend until all such affairs for which they were summoned shall be concluded: and the said jury, upon their oaths, (which oaths, as also the oaths to such person or persons as shall be called upon to give evidence, the said court of mayor and aldermen, or justices, as aforesaid, respectively, are hereby impowered and required to administer), shall enquire of the value of such lands, tenements, and hereditaments, and of the respective estate and interest of every person seised or possessed thereof, or interested therein, or of or in any part thereof, and shall assess and award the sum or sums to be paid for every such person or persons, for the purchase of such their estates and interests; and the said court of mayor and aldermen, or justices, as aforesaid, respectively, shall and may give judgement for such sum or sums of money so to be assessed; which said verdict or verdicts, and the said judgement, decree, or determination, thereupon, (notice in writing being given to the person or persons interested, or claiming so to be, at least fourteen days before the time of such assessment, declaring the time and place of the meeting of the said court of mayor and aldermen, or justices, as aforesaid, respectively, and jury, by leaving such notice at the dwelling-house of such person or persons, or at his, her, or their usual place or places of abode, or with some tenant or occupier of some of the said lands, tenements, or hereditaments, intended to be valued and assessed, in case such party cannot otherwise be found out to be served with such notice) shall be binding and conclusive to all intents and purposes whatsoever, against all and every person and persons, bodies politic and corporate, claiming any estate, right, title, trust, use, or interest, in, to, or out of the said lands, tenements, or hereditaments, and premises, either in possession, reversion, remainder, or expectancy, as well infants and issue unborn, lunatics, idiots, and femes-covert, and persons under any other legal incapacity or disability, as all other cestuique trusts, his, her, and their heirs, successors, executors, and administrators, and against all other persons whomsoever; and the said verdicts, judgements, and decrees, and all other proceedings of the said court of mayor and aldermen, or justices, as aforesaid, respectively, and juries, so to be made, given, and pronounced, as aforesaid, shall be fairly written on parchment, and signed and sealed by the mayor for the time being, or by the justices present, or the mayor part of them.

Jury to enquire into the value of the lands, &c. in question.

V. And it is hereby further enacted and declared, That, upon payment of such sum or sums of money so to be awarded or adjudged, the person or persons to whom the same shall be so awarded for the purchase of the said lands, tenements, or hereditaments, Assignments, and conveyances, to be given to the mayor, &c.

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Q q

ditaments,

If persons can-
not evince a
clear title to
the premises,

or cannot be
found in the
county where
the lands,
&c. lie,

their money
to be put into
the bank.

Verdicts and
decrees of the
court of al-
dermen, &c.

ditaments, or for the purchase of any estate or interest therein, shall make and execute, or procure to be made and executed, good, valid, and legal conveyances, assignments, and assurances in the law, to the said mayor and commonalty, and citizens, of the said lands, tenements, and hereditaments, or of such estate or interest for which such sum or sums of money shall be so awarded, and shall procure all necessary parties to execute such conveyances, assignments, and assurances, and shall do all acts, matters, and things, necessary and requisite to make a good, clear, and perfect title to the said mayor and commonalty, and citizens; and such conveyances, assignments, and assurances, shall contain all such reasonable and usual covenants as shall on the part of the said mayor and commonalty, and citizens, be required: and in case such person or persons to whom such sum or sums of money shall be so awarded as aforesaid shall not be able to evince their title to the premises, to the satisfaction of the said mayor, aldermen, and commons, in common council assembled, and to make, or procure to be made, good, valid and legal conveyances thereof, to the said mayor and commonalty, and citizens; or shall refuse so to do, being thereto required; and such sum or sums so assessed and awarded as aforesaid, being produced and tendered to be paid to him, her, or them, on their making such title, and executing, and procuring to be executed, such conveyances, assignments, or assurances, as aforesaid; or in case such person or persons to whom such sum or sums of money shall be so awarded as aforesaid cannot be found in the city or county where the lands, tenements, hereditaments, and premises, for which the said sums shall be so assessed or awarded lie; or in case that, by reason of disputes depending in any court of law or equity, or for defect of evidence, it shall not appear to the said mayor, aldermen, and commons, in common council assembled, what person or persons is or are intitled to the premises in question; then, and in every such case, as aforesaid, it shall and may be lawful to, and for the said court of mayor and aldermen to order the said sum or sums, so assessed and awarded aforesaid, as the value of and purchase-money for the said lands, tenements, and hereditaments, to be paid into the bank of *England*, for the use of the parties interested in the said premises; to be paid to them, and every of them, according to their respective estates and interest therein, at such time as the said court of mayor and aldermen shall order and direct; and the cashier or cashiers of the bank of *England*, who shall receive such sum or sums, is and are hereby required to give a receipt or receipts for such sum or sums, mentioning and specifying for what premises, and for whose use, the same is or are received, to such person as shall pay any such sum or sums into the bank as aforesaid.

VI. And be it further enacted by the authority aforesaid, That all such verdicts, judgements, sentences, decrees, orders, and other proceedings, of the said court of mayor and aldermen, or justices, as aforesaid, respectively, and juries, as relate to or concerning

concerning any lands, tenements, or hereditaments, so to be purchased as aforesaid; and all receipts which the said cashier or cashiers of the bank shall give for any sum or sums of money paid into the bank, in consequence of any such verdict and judgement, shall be entered among the records of the said court of mayor and aldermen, or general quarter sessions of the peace for the said county of *Middlesex*, or the said county of *Surrey*, as the case shall happen to be; and the said verdicts, judgements, sentences, decrees, and orders, and other proceedings, shall be deemed and taken to be records, to all intents and purposes whatsoever; and the same, or true copies thereof, shall be deemed and taken to be good and effectual evidence and proof in any court or courts of law or equity whatsoever; and all persons shall and may have recourse to the same *gratis*, and take copies thereof, paying for every copy, not exceeding two hundred words, sixpence, and so proportionably for any greater or less number of words; and immediately after such verdicts, judgements, sentences, decrees, orders, and other proceedings of the said court of mayor and aldermen, or justices, as aforesaid, respectively, and juries, and of such receipt or receipts of the said cashier or cashiers, as aforesaid, all the estate, right, title, interest, use, trust, property, claim, and demand, in law and equity, of the person or persons for whose use such money shall be paid in, to, and out of the said lands, tenements, hereditaments and premises, shall vest in the said mayor, and commonalty, and citizens; and they shall be deemed in law to be in the actual possession thereof, to all intents and purposes whatsoever, as fully, and effectually as if every person having any estate in the premises had actually conveyed the same by lease and release, bargain and sale inrolled, feoffment with livery and seisin, fine and recovery, or any other legal conveyance whatsoever; and such payment shall not only bar all right, title, interest, claim, and demand, of the person or persons to whose use such payments were made, but also shall extend to, and be deemed and construed to bar the dower and dowers of the wife and wives of such person and persons, and all estates tail, in reversion or remainder, against the issue or issues of such person and persons, and every person claiming under them, as effectually as a fine or recovery would do, if levied or suffered by the proper parties in due form of law.

to be entered
among the re-
cords of the
said court,

and to be
deemed evi-
dence.

VII. Provided always, That it shall and may be lawful for the said court of mayor and aldermen, after such payment into the bank, and entry of the receipt aforesaid, at the petition of any person or persons in possession of such lands, tenements, or hereditaments, to place out or invest, or to cause to be placed out or invested, such sum or sums of money, or any part thereof, in some of the public funds, or on government security, at interest, in the name or names of any person or persons authorised and appointed by the said court of mayor and aldermen for that purpose, in trust, to transfer and assign the same to such person or persons to whom the premises belong, on their execut-

Court of al-
dermen may
invest sums in
the funds on
government
security.

cuting proper conveyances thereof; and, in the mean time, in trust, to pay the interest and dividends arising therefrom to such person or persons who was or were in possession of the said premises at the time of the said payment into the bank.

Persons intitled to recover interest by action of debt.

VIII. Provided always, and it is hereby enacted, That all and every person or persons, who would be intitled to recover the mesne profits of the premises, against the person or persons in possession, in case the same had not been so conveyed to, or vested in, the said mayor and commonalty, and citizens as aforesaid, shall be intitled to recover the sum or sums to arise from such interests and dividends, as aforesaid, by action of debt, or otherwise, against the person or persons who shall receive the same; and the said court of mayor and aldermen are hereby empowered and authorized to make such order, as aforesaid, on the bank, for the payment of such sum or sums of money, or any part thereof, as shall be necessary, in order to the same being so invested in public securities; and the said mayor, and commonalty, and citizens, shall be quieted in the possession of the lands, tenements, and hereditaments, for which such money shall be so paid as aforesaid, and shall not be answerable or accountable in any court of law or equity for the money so deposited and placed out as aforesaid, any otherwise than according to the purport and true meaning of this act.

Feme-covert seised in fee-simple, to have her purchase-money paid to whom she shall nominate.

IX. And be it further enacted, That in case any feme-covert is or shall be seised in fee-simple, or in tail general or special, of any such lands, tenements, or hereditaments, so to be purchased, as aforesaid, by the said mayor and commonalty, and citizens, or of any interest in the same, to her separate use, free from the controul or intermeddling of her husband, the purchase-money arising from the sale of such estate, or interest of such feme-covert, on the conveyance of such estate or interest to the said mayor and commonalty, and citizens, shall be paid either to the husband of such feme-covert, at her request, or to such person or persons as she shall, by writing under her hand, nominate to receive the same, in trust, to be reinvested in lands, tenements, or hereditaments, to be conveyed and settled for such use, estate, and interest, as the said feme-covert had in the premises so purchased by the said mayor and commonalty, and citizens.

Purchase-money of lands to be paid to persons whom the owners appoint.

X. And be it further enacted by the authority aforesaid, That the principal money arising from the sale of any lands, tenements, and hereditaments, which shall be purchased for any of the purposes of this act, of or from any body corporate or collegiate, corporation aggregate or sole, feoffees in trust, guardians, committees, or other trustees, or from any feme-covert, shall be paid to such persons as they shall respectively nominate to receive the same, in trust, with all convenient speed then afterwards to be reinvested in the purchase of other lands, tenements, or hereditaments, to be conveyed and settled to, and upon, and subject to the like uses, trusts, limitations, remainders, and contingencies, as the lands, tenements, and hereditaments, which shall

shall be purchased from them respectively by the said mayor, and commonalty, and citizens, as aforesaid, were respectively settled, limited, or assured, at the time of such purchasing of the same, or so many thereof as, at the time of making such conveyances and settlements, shall be existing and capable of taking effect.

XI. And be it further enacted by the authority aforesaid, Bargains and sales to have the force of law. That the conveyance of any such estate or interest of any feme-covert to the said mayor and commonalty, and citizens, or any person or persons in trust for them, by bargain and sale acknowledged by such feme-covert, and inrolled in the court of hustings of the said city, according to the custom of the said city, within six calendar months after the making thereof, shall as effectually and absolutely convey the estate and interest of such feme-covert in the premises, as any fine or fines, recovery or recoveries, would or could do, if levied or suffered thereof in due form of law: and further, that all bargains and sales, whatsoever, to be made of any such lands, tenements, and hereditaments, as shall be purchased by the said mayor, and commonalty, and citizens, by virtue of, and for any of the purposes of this act, shall have the force, effect, and operation in law, to all intents and purposes, which any fine or fines, recovery or recoveries whatsoever, would have, if levied or suffered by the bargainer or bargainners, or any person or persons seized of any estate in the premises, in trust for, or to the use of, such bargainer or bargainners, in any legal manner or form whatsoever.

XII. And be it further enacted by the authority aforesaid, Persons interested in lands conveyed, to enter a memorial of their right within 5 years. That all and every person and persons whomsoever, having any right, title, interest, use, property, claim, or demand whatsoever, whether in possession, reversion, remainder, or expectancy, in, to, or out of any lands, tenements, or hereditaments, which, by virtue, and for any of the purposes of this act, shall be purchased by, and conveyed, or mentioned or intended to be conveyed to the said mayor and commonalty, and citizens, by any such bargain and sale, as aforesaid, shall, within the space of five years, to be computed from the date of the inrolment of such bargain and sale, enter a memorial of such their right, title, interest, use, property, claim and demand, in a book to be for that purpose prepared and kept by the town clerk of the said city of London, or the clerk of the peace for the county respectively, in a book to be prepared by the city clerk; which book the said town clerk and clerk of the peace respectively are hereby required to prepare and keep accordingly, and for which entry they shall be intitled to such fee, and no other, as the register of the county of *Middlesex* is by law intitled to for the registry of a memorial, containing the same number of words; and all and every person or persons whomsoever, not entering such right, claim, and demand within such time, and in such manner, as aforesaid, or having so entered the same, and not prosecuting such their right, claim, or demand with effect, within the space of five years, to be computed from the time of such entry, shall be for ever barred of all right, title, use, equity, or be for ever barred of all such right. property,

property, claim, and demand whatsoever, whether in possession, reversion, remainder, or expectancy, in, to, upon, or out of the said premises, and every part thereof, and the said mayor and commonalty, and citizens, and those claiming by, from, or under them, shall be quieted in the possession of all such lands, tenements, hereditaments, and premises, any law, statute, usage, matter, or thing whatsoever, to the contrary notwithstanding.

Persons so
barred may
bring actions
of debt, a-
gainst the re-
ceiver of their
purchase-mo-
ney.

XIII. Provided nevertheless, That any person or persons barred of any right, title, estate, interest, claim, or demand whatsoever, in, to, or out of the said lands, tenements, and hereditaments, by virtue of this act, shall be at liberty to bring any action or actions of debt, for money had and received to his or their use, against any person or persons, or the legal representative of any person or persons, who received the purchase-money arising from such sale of the said lands, tenements, and hereditaments, or premises aforesaid; and that in every such case, the plaintiff or plaintiffs, on proof of such title as would have enabled them to recover such lands, tenements, or hereditaments or any part thereof, or any estate or interest in the same, shall recover the said purchase-money, or so much thereof as shall be equivalent to their interest in the said premises together with such interest as shall be equivalent to the net profits of the premises, which they would have been intitled to recover in case this act had not been made.

Expences of
juries how to
be defrayed.

XIV. And be it further enacted by the authority aforesaid, That in all cases where any verdict as aforesaid shall be given for a greater sum than shall have been offered by or on the behalf of the mayor and commonalty, and citizens, of the city of *London*, or in case no such offer shall have been made before the summoning of any such jury, that then all the expences of summoning such jury and the witnesses, and of taking such inquest, shall be paid by the mayor and commonalty, and citizens, of the city of *London*; but if any such verdict shall be given for no more, or for a less sum than shall have been so previously offered by or on the behalf of the mayor and commonalty, and citizens, of the city of *London*, then and in every such case, such expences shall be defrayed by the owners of, or the persons interested in, such locks, ferries, lands, wharfs, weirs, or other property in question; and such expences shall be deducted and taken out of the monies to be assessed and adjudged, and such deduction shall be deemed and taken as payment of so much thereof.

Towing-paths
not to be
made without
the consent of
proprietors.

XV. Provided always, That nothing in this act contained shall extend, or be construed to extend, to authorize and empower the said mayor and commonalty, and citizens to compel or oblige the owner or proprietor of any garden, orchard, yard, park, paddock, inclosed lawn, or planted avenue to any house, which have been respectively used as such six calendar months before the passing of this act, (except such where towing-paths are now used,) or the owner or proprietor of any messuage or tenement erected or built, or begun to be erected or built, six calen-

calendar months before the passing of this act, to pull down, let, sell, or convey, such messuage, tenement, garden, orchard, yard, park, paddock, inclosed lawn, or avenue, or any part thereof, to the said mayor and commonalty, and citizens, or any other person or persons; nor shall any thing in this act contained empower the said mayor and commonalty, and citizens, to make any new towing-path, bank, cut, road, bridge, wharf, lock, weir, buck, winch, spike, dam, floodgate, pound, turnpike, toll-gate, or engine, over, upon, or through any garden, orchard, yard, park, paddock, inclosed lawn, or planted avenue to any house, without the consent of the owner or proprietor thereof.

XVI. And be it further enacted by the authority aforesaid, That the said court of mayor and aldermen, or justices, as aforesaid, respectively, shall have power, from time to time, to impose any reasonable fine, not exceeding the sum of ten pounds, on such sheriff or sheriffs, or their deputy or deputies, bailiffs or agents, respectively, making default in the premises, and on any of the persons who shall be summoned and returned on any such jury or juries who shall not appear, or who shall refuse to be sworn on the said jury or juries, or being so sworn shall not give his or their verdict; and also on any person or persons who shall be summoned to give evidence touching any the matters aforesaid, and shall not attend, or shall refuse to be sworn, or who being sworn shall refuse to give his, her, or their evidence; also on any other person or persons who shall, in any other manner, wilfully neglect his or their duty in the premises, contrary to the true intent and meaning of this act; and, from time to time, to levy such fine or fines, by order of the said court of mayor and aldermen, or justices as aforesaid, respectively by distress and sale of the offender's goods, together with the reasonable charges of every such distress and sale, returning the overplus (if any) to the owner; and all such fines shall be applied to the purposes of this act.

Fines on sheriffs juries, and witnesses, refusing to comply with this act,

may be levied by distress and sale.

XVII. Provided always, That in case any place or places in question, for which a satisfaction for damages or recompence is to be made by virtue of this act, shall lie partly in the city of *London* and partly in the county of *Middlesex*, such satisfaction or recompence shall be enquired of and ascertained by a jury of the city of *London*; and in case any such place or places shall lie partly in the county of *Middlesex* and partly in the county of *Surrey*, the same shall be enquired of and ascertained by a jury or justices of the county of *Middlesex*.

Damages how to be ascertained.

XVIII. And be it further enacted by the authority aforesaid, That the mayor, aldermen, and commons, of the city of *London*, in common council assembled, shall have power and authority, and they are hereby authorised and empowered to assess and rate the prices of the carriage, and the rates or fares to be given for the use of any horse or horses employed on the said navigation, from the city of *London* to the city stone above *Staines Bridge* aforesaid, and back from thence to the said city of *London*; and to and from any place or places upon the said river of

Prices of carriage, and rates of horses employed in the navigation,

to be affixed
on public
places on the
banks of the
river, &c.

Boatmen or
bargemen tak-
ing more than
the rates set,
to forfeit 20l.

One moiety
to the infor-
mer, and the
other to the
party aggriev-
ed.

No person to
moor at Tap-
low Mill
Stream,

Thames, between the city of *London* and the said city stone, to any other place or places within the limits aforesaid, in such boats, barges, and other vessels; and shall give publick notice in writing, to be affixed up at the several market places, or church doors of such towns and parishes on the banks of the said river of *Thames*, within the limits aforesaid, as they shall think proper; and also to be printed and published in some of the public news-papers, of which publick notice the several owners of boats, barges, and other vessels, navigating on the said rivers, as also all persons who are employed in towing barges, boats, or other vessels, or who let out horses for that purpose, are hereby required to take notice, as also of the rates and prices so from time to time set and assessed, and of all other rates, fares, and prices, which shall, at any time or times hereafter, at such respective meetings as aforesaid, be rated and assessed by virtue of this act: and if any owner and proprietor of any such barge, boat, or other vessel, shall, at any time after the expiration of twenty days next after the publishing of such notice, take for the water carriage of any goods or merchandises above the rates and prices so set as aforesaid, or if any person employed in the towing of barges, or other vessels, shall, after the expiration of the said term, take, for the use of any horse or horses employed on the said navigation, above the rates or fare so set and assessed as aforesaid, every person so offending shall, for every such offence, forfeit the sum of twenty pounds; which said forfeiture shall and may be recovered in a summary way, by information or complaint made to the said mayor, or to any of the aldermen of the city of *London*, or to any one of his Majesty's justices of the peace for the county of *Middlesex* or *Surry*; and shall go and be applied, one moiety to the informer or informers, and the other moiety to the party or parties aggrieved by any such offence, and shall and may be levied by distress and sale of the offenders goods and chattels, by warrant under the hand and seal of the said mayor, or any one of the aldermen or justices of the peace, as aforesaid.

XIX. *And whereas many trespasses have been committed in the gardens and plantations of Morough O'Bryen esquire of Taplow-Court, in the county of Bucks, by persons belonging to boats, barges, vessels, or floats, which anchor, moor, fasten, or lie, in Taplow Mill Stream; be it therefore enacted by the authority aforesaid, That, from and after the passing of this act, it shall not be lawful for any person or persons whatsoever, upon any pretence whatsoever, to anchor, moor, or fasten any boat, barge, vessel, or float, or to lay with any boat, barge, vessel, or float, in any part of Taplow Mill Stream, between the lock in the said stream and a meadow called Clemash Meadow: and in case any boat, barge, vessel, or float, shall be anchored, moored, or fastened, or shall be laid in any part of Taplow Mill Stream aforesaid, between the lock in the said stream and the said meadow called Clemash Meadow, the master or owner of any such boat, barge, vessel or float, or the person having the care or conduct of any such boat, barge,*

barge, vessel, or float, shall, for every such offence, forfeit and pay the sum of five pounds; to be levied and recovered by the same ways and means, and in such manner, as any penalty or forfeiture inflicted for any offence against the said former act can or may be levied and recovered, and shall be applied, one moiety to the informer, and the other moiety for the purposes of the said navigation.

XX. Provided also, and be it further enacted by the authority aforesaid, That in case any person or persons shall think him, her, or themselves, aggrieved by any orders or proceedings of any justice or justices of the peace, which shall be made or had under this act, it shall and may be lawful for such person or persons to appeal to the justices of the peace, at the next general quarter sessions of the peace, to be holden for the said city of London, or the said county of *Middlesex*, or the said county of *Surrey*, as the case may be: and the justices, at such said general quarter sessions, are hereby required to hear and finally determine every such appeal and appeals, and shall award to the party or parties for whom such appeal shall be determined, such costs as to them in their discretion shall seem reasonable; and shall raise and levy, by their order or warrants, such costs as shall be awarded by distress and sale of the goods and chattels of any person or persons who shall be ordered to pay the same.

XXI. And be it further enacted by the authority aforesaid, That no order which shall be made by any justice or justices, by virtue of or under this act, or any other proceedings to be had, touching the conviction or convictions of any offender or offenders against this act, shall be quashed or vacated for want of form only, or be removed or removeable by *Certiorari*, or any other writ or process whatsoever, into any of his Majesty's courts of record at *Westminster*.

XXII. Provided also, and be it further enacted, That no contract, agreement, assignment, entry, copy, or proceeding, by this act directed or authorised to be executed, made, or given, shall be charged or chargeable, or subject, or liable, to any duty whatsoever.

XXIII. And be it enacted by the authority aforesaid, That if any action shall be brought or suit commenced, against any person or persons, for any thing done in pursuance of this act, or in relation to the premises, or any of them; every such action, or suit, shall be laid or brought within six calendar months next after the fact done, and shall be laid or brought in the city of London, or the county where the matter shall arise, and not elsewhere; and the defendant or defendants, in such action, may plead the general issue, and give this act, and the special matters, in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act: and if the same shall appear to have been so done, or if any such action or suit shall not be brought within the time before limited, or shall be brought in any other city, county, or place, than as aforesaid; then the jury shall find for the defendant.

on penalty of 5l.

Persons aggrieved, may appeal to the quarter sessions.

Proceedings not to be quashed for want of form.

Writings may be without stamps.

Limitation of actions.

General issue.

Treble costs.

ant or defendants; or if the plaintiff or plaintiffs shall become nonsuited, or suffer a discontinuance of his, her, or their action or actions; or if a verdict shall pass against the plaintiff or plaintiffs; or if, upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the said defendants shall have treble costs, and shall have such remedy for recovering the same, as any defendant or defendants hath or have for costs in other cases by law.

Publick act.

XXIV. And be it further enacted, That this act shall be deemed, adjudged, and taken to be a publick act; and shall be judicially taken notice of as such by all judges, justices, and other persons whomsoever, without specially pleading the same.

C A P. XCII.

An act for regulating and ascertaining the weights to be made use of in weighing the gold and silver coin of this kingdom.

Most gracious Sovereign,

Preamble.

WHEREAS some provision is necessary for regulating and ascertaining, according to the established standard of your Majesty's mint, the weights to be made use of in weighing the gold and silver coin of this realm, and it is highly expedient, for the prevention of frauds, that the use of all other weights, which are not just and true, according to the said standard, should be disallowed; may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful for the warden, master, and comptroller, of his Majesty's mint, with the assistance of the King's assay master, and they are hereby authorised and required, without delay, to make, or cause to be made one weight of the piece of gold coin of this realm commonly called a guinea, and also one weight of the piece of silver coin of this realm called a shilling, according to the established standard of his Majesty's mint, and also other weights, being parts and multiples of the said guinea weight and shilling weight respectively; which weights, together with their report of the truth and accuracy thereof, they are hereby required to transmit to the clerk of his Majesty's council in waiting, in order to be laid before his Majesty in council; and in case the said weights shall be approved of and confirmed by his Majesty in council, the same shall be reputed and accepted in law to be the standard weights of the gold and silver coin of this realm respectively, and the same shall be lodged in the joint custody of the warden, master, and comptroller of his Majesty's mint for the time being.

Warden of the mint, &c. to make weights of a guinea, a shilling, and multiples thereof;

which they are to transmit to the clerk of council in waiting; and the same being confirmed by his Majesty, are to be reputed standard weights.

Duplicates thereof to be made by the said warden, &c.

II. And be it further enacted by the authority aforesaid, That the said warden, master, and comptroller, of his Majesty's mint, with the assistance of his Majesty's assay master, shall make, or cause to be made, in like manner, exact duplicates, or copies, of the said standard weights of a guinea, and of a shilling, and

of the parts and multiples thereof, as aforesaid; and if any of the said duplicates, or copies, shall hereafter, by any accident, be destroyed, lost, or impaired, the warden, master, and comptroller, of his Majesty's mint for the time being, with the assistance of the King's assay master, are hereby authorised and required in like manner, to make, or cause to be made, other exact duplicates, or copies, of such of the said standard weights of a guinea, and of a shilling, and of the parts and multiples thereof, as shall happen to be destroyed, lost, or impaired; all which duplicates, or copies, shall be laid before his Majesty, his heirs and successors, in his or their privy council, in manner herein-before directed; and in case the same shall be approved of and confirmed by his Majesty, his heirs and successors, in his or their privy council, they shall then, by the said master, warden, and comptroller, be delivered to and lodged in the custody of an officer, to be from time to time appointed by his Majesty, his heirs or successors, for that purpose, under his or their sign manual, during his or their royal pleasure, with a salary not exceeding the yearly sum of two hundred and fifty pounds, to be issued and paid by the warden of his Majesty's mint, out of the monies arising by the coinage duties.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the warden, master, and comptroller, of his Majesty's mint, and they are hereby authorised and required, once, or oftener, in every year, by warrant under their hands, to summon and require such officer, so to be appointed by his Majesty, to appear before them, and produce the said duplicates, or copies, of the said standard weights of a guinea, and of a shilling, and of the parts and multiples thereof, as aforesaid, and the same to examine and compare with the standard weights herein-before directed to be lodged in the custody of the warden, master, and comptroller, of his Majesty's mint for the time being.

Warden, &c.
to compare
the duplicates
yearly.

IV. And be it further enacted by the authority aforesaid, That from and after the thirty-first day of *December*, one thousand seven hundred and seventy-four, all weights to be made use of for weighing the said gold and silver coin, shall be regulated and ascertained by the duplicates, or copies, of the said standard weights of a guinea, and of a shilling, and of the parts and multiples thereof respectively, lodged in the custody of the officer before mentioned; and after having been tried and compared therewith, and found to be just and true, shall, in testimony thereof, be marked by the said officer with a stamp or mark, or stamps or marks, to be approved of by the master of his Majesty's mint; which stamps or marks the said officer is hereby directed to provide: and, in order that the impression or impressions made thereby may be known to all his Majesty's subjects, the said officer is hereby also directed to publish a description of the same, by advertisements, in the *London Gazette*, three times at least before the said thirty-first day of *December*, one thousand seven hundred and seventy-four; and the said officer

After Dec. 31,
1774, all the
weights, are
to be stamped;

and described
publickly.

is

is hereby required, upon application made to him at all seasonable hours, to stamp or mark, in manner aforesaid, all weights to be used for weighing the said gold and silver coin, which shall be brought to him for that purpose, and which he shall find to be just and true, according to the said duplicates, or copies, of the standard weights of a guinea, and of a shilling, and of the parts and multiples thereof respectively, hereby directed to be lodged in his custody, without fee or reward, and without wilful delay: and from and after the said thirty-first day of *Decem' er*, one thousand seven hundred and seventy-four, no other weights but such as shall be just and true, according to the weights with and by which they are hereby directed to be compared and ascertained, and shall be marked in manner before mentioned, shall be reputed or accepted in law to be true, or of any effect for determining the weight of the gold or silver coin of this realm.

No other weights to be allowed in law.

Persons counterfeiting, or selling, forged stamps,

shall forfeit 50*l*. or be committed for 3 months.

Not to abridge the letters patent 12 Jac. I. to the founders company.

V. And it is hereby further enacted, That if any person or persons shall forge or counterfeit any stamp or mark, to resemble any stamp or mark provided or used in pursuance of this act, or shall counterfeit or resemble the impression of any such stamp or mark, as aforesaid, on any such weight or weights, as aforesaid; or shall utter, vend, or sell, any such weight or weights, with the impression of such counterfeit stamp or mark thereupon, knowing the same to be counterfeited; or shall wilfully increase or diminish any such weight, after it has been stamped or marked in manner before directed; or shall make use of any such weight in weighing the gold and silver coin of this realm, knowing the same to have been so increased or diminished; every such person and persons shall, for every such offence, upon conviction thereof, before any two of his Majesty's justices of the peace of the county, division, or place, where such offence shall be committed, who are hereby authorized and directed to enquire into the same, forfeit and pay any sum not exceeding the sum of fifty pounds, at the discretion of the said justices; one moiety thereof to go to his Majesty, his heirs and successors, and the other moiety to him that shall inform or sue for the same; and, on default of payment, it shall and may be lawful for such justices of the peace to commit every such offender to the common gaol, or house of correction, for any time not exceeding three months.

VI. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to take away or abridge any rights, powers, privileges, or profits, granted by his late majesty King *James the First*, by letters patent, in the twelfth year of his reign, to the master, wardens, and commonalty of the mystery of founders of the city of *London*, and which they may lawfully claim or enjoy, with respect to the fixing and marking of all manner of bras weights made or wrought within the said city of *London*, or within three miles compass thereof, or which shall be sold, uttered, or kept for sale, within the said city of *London*, or three miles compass thereof.

VII. Pro-

VII. Provided nevertheless, That the weights herein-before directed to be made use of for weighing the gold and silver coin of this realm, after having been fized and marked according to the directions of the said charter, be carried to be ascertained and marked in manner herein-before directed, by the officer appointed by his Majesty for that purpose, in pursuance of the powers given by this act.

After the weights are fized and marked, they are to be ascertained in pursuance hereof.

C A P. XCIII.

An act for rebuilding the church of the parish of Lewisham, in the county of Kent.

C A P. XCIV.

An act for establishing a new church or chapel erecting at Toxteth Park, in the parish of, Walton, near Liverpool, in the county palatine of Lancaster.

C A P. XCV.

An act for rebuilding the parish church of Battersea, in the county of Surrey, and for enlarging the church yard of the said parish church.

C A P. XCVI.

An act to amend an act, passed in the tenth and eleventh years of the reign of King William the Third, intituled, An act for the making and keeping navigable the rivers of Aire and Calder, in the county of York; and for improving the navigation of the said river Aire, from Weeland to the river Ouze; and for making a navigable canal from the said river Aire, at or near Haddelsey, to the river Ouze, at the Old Brick Garth at Ouze Gate End, within the township of Selby, in the said county; and for other purposes.

C A P. XCVII.

An act to continue, amend, and render more effectual an act, made in the sixth year of the reign of his present Majesty, for repairing the road from the turnpike at Tunbridge Wells, in the county of Kent, to Ringles Cross, near Uckfield, in the county of Sussex.

C A P. XCVIII.

An act to enlarge the term and powers of an act, made in the thirty-second year of his late Majesty, for repairing and widening the high road from Wetherby to Grassington, in the county of York.

C A P. XCIX.

An act for enlarging the term and powers of an act, made in the twenty-eighth year of his late Majesty, for repairing and widening the roads from the town of Manchester to the town of Rochdale, and from a place called The White Smithy, in the township of Crumpsal, to the town of Bury, and from a place called Besses of the Barn to Ratcliffe Bridge, in the county palatine of Lancaster; and for empowering the trustees under the said act to repair a lane called Sheepfoot Lane, in the said county.

C A P. C.

An act for enlarging the term and powers of an act, passed in the twenty-sixth year of the reign of his late majesty King George the Second,

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Second, for repairing and widening the roads from Henthall's Smithy, upon Cranage Green, through the town of Nether Knutsford, and by the south guide post in Mere, and Bucklow Hill, to the town of Altrincham, in the county palatine of Chester; and from the said guide post to Warrington, in the county of Lancaster; and from Bucklow Hill aforesaid, to Penny's Lane, near Northwich, in the said county of Chester.

C A P. CI.

An act for repairing and widening several roads near the towns of Hockerton, Kirklington, Southwell, Normanton, and Winkbourne, in the county of Nottingham.

C A P. CII.

An act to enlarge the terms and powers of two acts, made in the twenty-sixth and twenty-seventh years of the reign of his late majesty King George the Second, for repairing several roads leading into the city of Glasgow, so far as the same relate to the road leading from the said city of Glasgow, through Cawcaddens, to that part of the water of Kelvine, called The Milnford of Garfcube.

C A P. CIII.

An act for explaining and amending an act, made in the thirty-second year of his late Majesty, for improving the navigation of the river Clyde, to the city of Glasgow; and for building a bridge across the said river, from the said city to the village of Gorbells; and part of another act, made in the eighth year of his present Majesty, for explaining and amending the said act; and for repairing, widening, and enlarging, the old bridge across the river of Clyde, from the city of Glasgow to the village of Gorbells.

C A P. CIV.

An act to enlarge the term and powers of an act, made in the twentieth year of the reign of King George the Second, for repairing and widening the road from Basingstoke, through Wortin, Overton, Whitchurch, Husband Priors, Andover, and Middle Wallop, in the county of Southampton, to a place called Lobcomb Corner, in the parish of Winterflow, in the county of Wilts, for including the road from Spittle House, over Weyhill, to Mullens Pond, as directed by an act, made in the twenty-ninth year of his said Majesty; and for amending the roads from Andover, through Charlton, towards Tangleay, and from Charlton to Clanfield Bottom, and from Weyhill to Sarfon Street, and also the road through the said town of Basingstoke.

C A P. CV.

An act to continue the terms of two acts, made in the twenty-sixth and twenty-seventh years of the reign of his late majesty King George the Second, for repairing several roads leading into the city of Glasgow, so far as the same relate to the roads from the city of Glasgow, to Yocker Bridge, to Renfrew Bridge, to the Three Mile House, to the town of Airdrie, and from the village of Gorbells to The Chapel of Cambuslang, in the counties of Lanerk and Renfrew.

C A P.

C A P. CVI.

An act for recovering, improving, and maintaining the navigation of the haven of Hedon, in Holderness, in the east riding of the county of York.

C A P. CVII.

An act for draining and preserving the low grounds and carrs, within the parishes, townships, and places of Winestead, Pattrington, South Frodingham, Hollym, Rimswell, Owthorne otherwise Seathorne, Withernsea, Inland Hill, and Walker Fields, in Holderness, in the east riding of the county of York.

C A P. CVIII.

An act for better governing and employing the poor, and making and collecting the poor's rates, within the parishes of Saint Giles in the Fields, and Saint George Bloomsbury, in the county of Middlesex.

C A P. CIX.

An act to enlarge the term of an act, made in the seventh year of the reign of his present Majesty, for repairing and widening several roads, leading from the town of Ayr, and other roads therein mentioned, in the county of Ayr; and for repairing and widening certain other roads within the said county of Ayr.

C A P. CX.

An act to enlarge the term and powers of an act passed in the thirty-third year of the reign of his late majesty King George the Second, for repairing and widening the high roads from Hinckley to Woeful Bridge; and also from Hoo-ash Lane, through Old Lane, and from Swannington to Lee Gutter, and from thence to Melborne Common; and from Ibstock to Measham, in the counties of Leicester and Derby; and for repairing and widening the road from Phiney's House, in the liberty of Osbaston, to Cheshire's House, in the liberty of Carlton, and also the road from the turnpike road at Swannington, along Burton's Lane, to the Coal Fields; and also the road from the toll-gate in Old Lane to the Leicester and Ashby-de-la-zouch turnpike roads.

C A P. CXI.

An act to enlarge the term and powers of so much of an act of parliament, made and passed in the twenty-ninth year of the reign of his late majesty King George the Second, for repairing and widening several roads therein mentioned, from the town of Tewkesbury, in the county of Gloucester, as relates to the second district or roads therein mentioned; and to amend the road from Elstone church to the turnpike road from Cirencester to Gloucester, near a place called Comb End Beeches, in the said county of Gloucester.

C A P. CXII.

An act for continuing, altering, and amending an act, made and passed in the twenty-sixth year of his late majesty King George the Second, intituled, An act for repairing and widening several roads,

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roads leading from the town of *Bewdly*, in the county of
Worcester, to the several places therein mentioned, in the
counties of *Worcester* and *Salop* respectively.

C A P. CXIII.

An act for enlarging the term and powers of an act, made in the twenty-seventh year of King George the Second, for repairing and widening the road from the borough of Leicester to and by the north side of the town of Uppingham, in the county of Rutland, and to Wansford, in the county of Northampton; and from thence to Peterborough, in the said county of Northampton; and for repairing the road from the termination of the said road at Peterborough to the market place there.

C A P. CXIV.

An act for enlarging the term and powers of so much of an act, made in the fourth year of the reign of his present Majesty, as relates to the road from the town of Rotherham, in the county of York, to the turnpike road at the east end of Tankersley Park, in the said county.

C A P. CXV.

An act to enlarge the term and powers of an act, made in the twenty-second year of his late majesty King George the Second, for repairing the road from North Shields, in the county of Northumberland, to the town of Newcastle upon Tyne.

C A P. CXVI.

An act for empowering the trustees for repairing the road from the stones end in Saint Leonard Shoreditch, to the furthestmost part of the northern road, in the parish of Enfield, in the county of Middlesex, to cause part of the said road to be lighted, watched, and watered; and for lighting, watching, and watering the parish of Saint Mary Stoke Newington, in the said county.

C A P. CXVII.

An act to enlarge the term and powers of an act, passed in the ninth year of his present Majesty, for repairing and widening the road from Beverley to the ferry at Hefle, and from the Malton guidpost to the gravel pit at Cottingham, in the county of York; and for repairing and widening other roads therein mentioned.

C A P. CXVIII.

An act for continuing the term and enlarging the powers granted by an act, passed in the twenty-eighth year of his late Majesty's reign, for repairing the road from the north end of Brown's Lane, in Great Stoughton, in the county of Huntingdon, through Kimbolton and Higham Ferrers, to the way-post near Wellingborough Bridge in the county of Northampton, and from the pound in Kimbolton to the way-post in Great Catworth Field, near Brington Bridge, in the said county of Huntingdon; and for repealing so much of an act of the tenth year of his present Majesty's reign, as relates to the road between the north end of Brown's Lane and the south end thereof.

The END of the THIRTIETH VOLUME.

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